

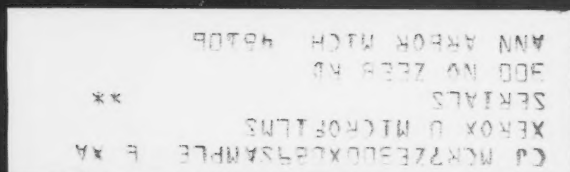
COLUMBIA
**JOURNALISM
REVIEW**

SEPTEMBER/OCTOBER 1978 • \$2
NATIONAL MEDIA MONITOR • PRESS/RADIO/TV

**ХРОНИКА
ТЕКУЩИХ
СОБЫТИЙ**

(Chronicle of Current Events)

**THE ENDURING VOICE
OF THE SOVIET DISSIDENTS**



**A new Communications Act:
whatever happened
to 'the public interest'?**

**Fleet Street's new left:
the National
Union of Journalists**

look into this package you'll find a lot more than tomatoes

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Its custom design and structure allow the greatest number of tomatoes to be shipped and displayed in the least amount of space—minimizing packing, handling and shipping expense.

This paperboard package contains economic, energy and environmental benefits.

And incidentally some very fine tomatoes.

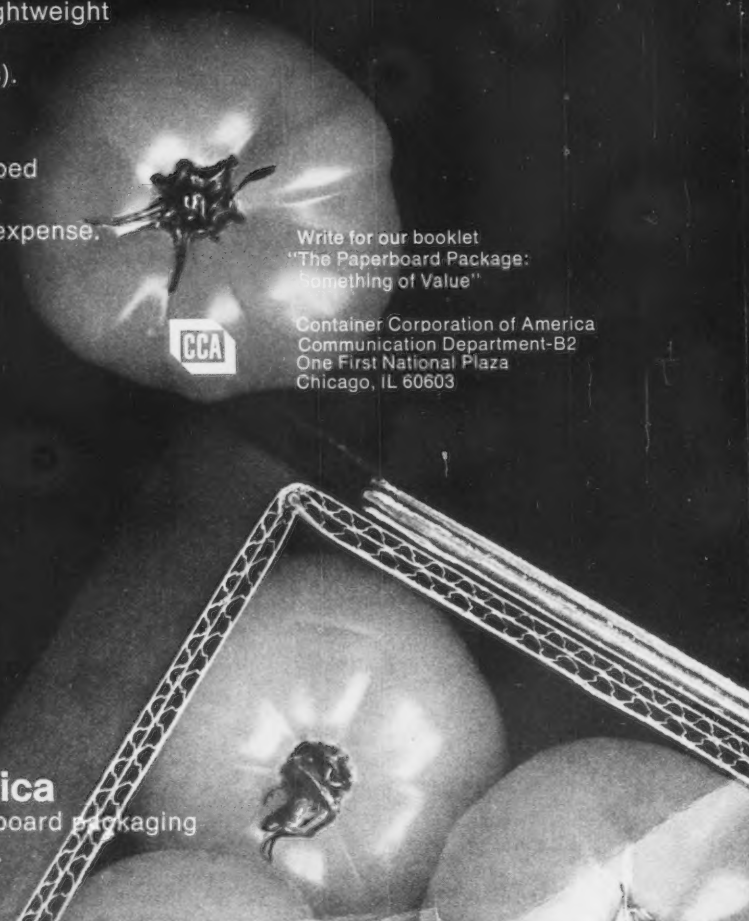
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"The Paperboard Package:
Something of Value"

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The paperboard package: Something of Value

Container Corporation of America

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“To assess the performance of journalism in all its forms, to call attention to its shortcomings and strengths, and to help define — or redefine — standards of honest, responsible service . . . to help stimulate continuing improvement in the profession and to speak out for what is right, fair, and decent”

—Excerpt from the *Review's* founding editorial, Autumn 1961

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Some people Some see

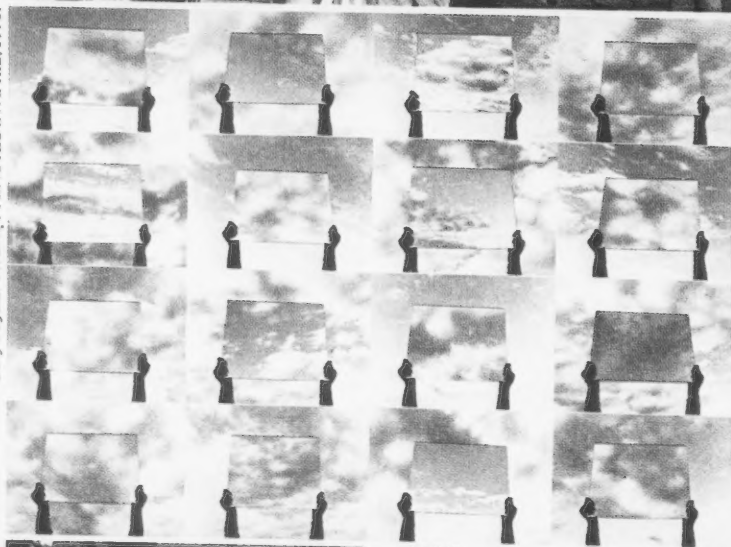
Helen Levitt UNTITLED, 1972-74.



William Eggleston MEMPHIS, c. 1971.



Gary Beydler TWENTY MINUTES IN APRIL, 1976.



Eve Sonneman SIGHT/SOUND: FOR MIKE GOLDBERG, SAMOS, GREECE, 1977.



Joel Meyerowitz UNTITLED, 1976.

see the dream. the reality.



Snapshots. And posed shots. Pictures you can get lost in. And pictures you can find yourself in. We invite you to discover them for yourself in a stunning exhibition titled "Mirrors and Windows: American Photography Since 1960." It opens July 28th at The Museum of Modern Art and at other museums on the dates listed below.

We think you'll find, as in those at the left, not merely some evocation of the dreams and realities of the 60's and early 70's but something timeless and personal. Not merely what the photographer has seen, but what each of us sees for himself.

That's one reason we sponsored this exhibition, and why we think you'll find it rewarding. In our businesses and our lives, we need to see both the dream and the reality, and to discover something of each in everything we see. Sponsorship of art that reminds us of these things—and of the continuing need for individual insight—is not patronage. It's a business and human necessity.

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"Mirrors and Windows: American Photography Since 1960" appears at The Museum of Modern Art, N.Y., NY July 28 to Oct. 2, 1978; Cleveland Museum of Art, Cleveland, OH Nov. 13, 1978 to Jan. 1, 1979; Walker Art Center, Minneapolis, MN Jan. 29 to March 11, 1979; J.B. Speed Art Museum, Louisville, KY Apr. 1 to May 15, 1979; San Francisco Museum of Modern Art, San Francisco, CA June 7 to July 29, 1979; Krannert Art Museum, University of Illinois, Champaign, IL Aug. 19 to Sept. 23, 1979; Virginia Museum of Fine Arts, Richmond, VA Nov. 12 to Dec. 23, 1979; Milwaukee Art Center, Milwaukee, WI Jan. 10 to March 2, 1980. The exhibition is made possible by grants from the National Endowment for the Arts and Philip Morris Incorporated.



CHRONICLE

CHANGES

Split level

Public Opinion, founded in March 1978, is the offspring of the American Enterprise Institute for Public Policy Research. Its co-editors are the sociologist Seymour Martin Lipset and Ben J. Wattenberg, known for his series on public television defending the American system. The publisher, William J. Baroody, Jr., who is also A.E.I. president, wrote in the second issue that the new bi-monthly attempts to report specific survey research results and to "concern itself with vast and generalized mentalities and psychologies of groups as large as, say, 'the Western world.'"

The magazine fulfills the first function through its twenty-page "Opinion Roundup," which helps readers keep up with the extraordinary bulk of data spewed out by commercial polling agencies. The first two issues reported poll results on topics as diverse as wage and price controls, television viewing habits, violence in the schools, and the liberal tendencies of professors.

The summaries are useful, as are the occasional "explanatory comments" from the editors. The magazine scrupulously reports important information about the wording of questions, dates of surveys, and the companies that did the research. Curiously, however, the editors sometimes omit crucial data about sample sizes, margins of error, confidence levels, poll sponsors, financial backers, and interviewing methods.

The best thing about "Opinion Roundup" is the objective and straightforward handling of the summaries. Unfortunately, the same qualities aren't always evident when *Public Opinion* attempts to perform its second function—the social interpretation of survey data. In the second issue, for example, Kevin P. Phillips tries to "interpret survey research" to explain why President Carter's energy program has failed thus far. But Phillips uses dubious data to support his own preconceptions.

For instance, he refers to "private

polls" mentioned by top oil company executives. And he uses a Mobil poll to show that "opinion makers" within the media "became much less hostile and more favorable toward the oil companies between 1973 and 1977." How good are those polls? Phillips doesn't make that clear. Furthermore, he does not indicate in his discussion of the Mobil poll who those opinion makers were and how they were selected (that could make a real difference in the survey results), or how hostile they were in the first place.

Nor does the magazine inspire confidence when it attempts to describe "vast and generalized mentalities and psychologies" of large groups. In its second issue, *Public Opinion* explored the question: is there a crisis of spirit in the West? You might expect that such an exploration would require representatives of at least two sides of the issue. However, *Public Opinion* chose to have Henry Kissinger and Senator Daniel P. Moynihan discuss the question. Moynihan has said the West suffers from a failure of nerve, and Kissinger has said the West suffers from uncertainty and lacks purpose and direction. Not surprisingly, the Kissinger-Moynihan "conversation" was one-sided. It was hardly the kind of "competition of ideas" Baroody has promised.

Public Opinion, then, is a good idea; and the first two issues show potential. But public opinion is not or should not be an ideological football.

Michael Ryan
West Virginia University

The theory of Republicanism

In America, the serious journal of political theory has most often been the product of splinter parties. Is it then a comment on the state of today's G.O.P. that the Republican National Committee has now published the first issue (summer 1978) of *Commonsense: A Republican Journal of Thought and Opinion*? And that the magazine is no handout, but an item sold quarterly for \$12 a year?

The product itself is modestly presented and not unpalatable to the general

reader. Although Bill Brock, publisher and Republican national chairman, defines *Commonsense* as partisan, he qualifies the partisanship by saying that the magazine's ideas will not be those exclusively of Republicans. The first issue contains articles by one former Republican senator (James L. Buckley) and a present one (Bob Packwood), one avowed Democrat (Michael Novak), and a variety of scholars and former officials. The lead article is Peter L. Berger's "Mediating Structures: The Missing Link of Politics."

Commonsense lists an editorial staff of ten, headed by editor Michael E. Baroody (brother of *Public Opinion*'s William J. Baroody, Jr.). Its address is Republican National Committee, 310 First Street, S.E., Washington, D.C. 20003.

Writing fellows

With a June issue, the Alicia Patterson Foundation began publication of a bi-monthly, *APF Reporter*, to disseminate writing by current Alicia Patterson Fellows to a mailing list of 2,000 editors and others interested. (The articles may be reprinted free, with credit.) The first issue contained articles by Paul Brodeur on the hazards of microwave ovens, by John Fleischman on printing, by Wade Greene on modern energy technology, by Richard M. Levine on television, and by Moises Sandoval on the state of Latin minorities.

The current group of fellows will be replaced later in the year by a new set. The foundation will accept applications to October 1, 1978, from residents of the United States or American citizens abroad who are newspaper, magazine, wire-service, or broadcast journalists, cartoonists, photojournalists, editors, or free-lance writers, who have been working professionally for at least the previous five years. Information can be obtained from the foundation at 122 East 42nd Street, 46th Floor, New York, N.Y. 10017. The program, which is in memory of the first editor and publisher of *Newsday*, provides funds for travel and a living allowance. *continued*

Without chemicals, life itself would be impossible.



Some people think anything "chemical" is bad and anything "natural" is good. Yet nature is chemical.

Plant life generates the oxygen we need through a chemical process called photosynthesis. When you breathe, your body absorbs that oxygen through a chemical reaction with your blood.

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Chemicals help you eat better. Chemical weed-killers have dramatically increased the supply and availability of our food. But no chemical is totally safe, all the time, everywhere. In nature or the laboratory. The real challenge is to use chemicals properly. To help make life a lot more livable. © Monsanto Company 1977

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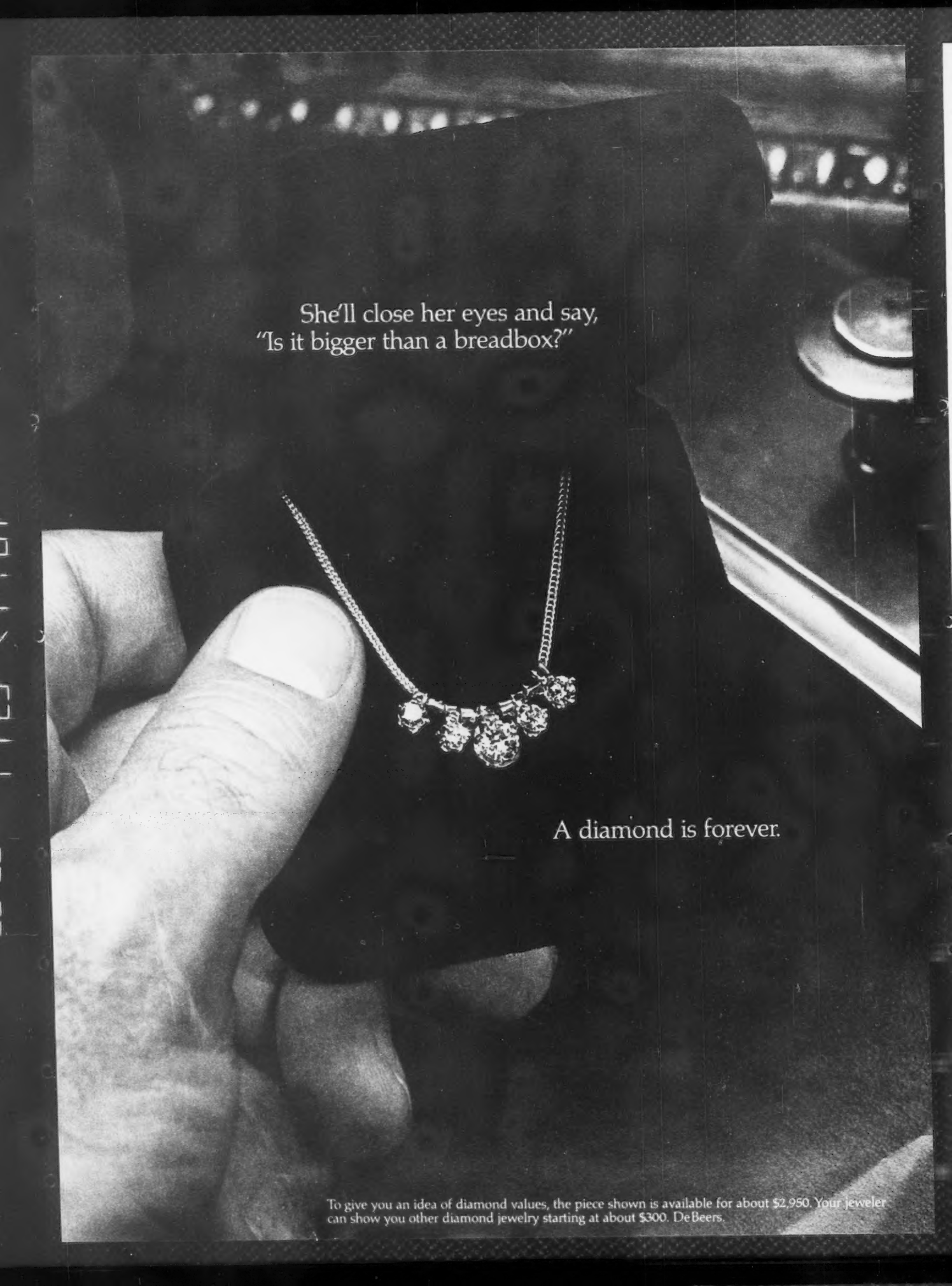
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Monsanto

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life itself would be impossible.



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"Is it bigger than a breadbox?"

A diamond is forever.

To give you an idea of diamond values, the piece shown is available for about \$2,950. Your jeweler can show you other diamond jewelry starting at about \$300. DeBeers.

"Minimize the cost of electricity, that's what our research is really try

Dr. Richard Balzhiser, Director for Fossil Fuels and Advanced Systems at the Electric Power Research Institute



Dr. Balzhiser among the array of mirrors that track the sun at U.S. Department of Energy's Sandia Labs solar thermal test facility in New Mexico.

ing to do.”

“Our principal solar research effort is to develop collectors to use solar energy concentrated by mirrors. Such systems must be in use a large part of the time to justify the large capital investment. While the sun’s energy is free, it’s only available part of the time, so we’ll need innovative storage or hybrid systems if solar electricity costs are to compete with other alternatives.

SOLAR CELLS

“Present solar cells are far too costly for utility use. We believe thin-film technology or very advanced cell concepts using concentrated solar energy offer the best chances for producing electricity at competitive costs. We’ve recently had some exciting results which could lead to the breakthrough necessary for solar cells to receive serious consideration by utilities.

SOLAR HOMES

“To investigate and refine solar heating and cooling systems, we have built five houses on Long Island, and five in Albuquerque, equipped with various combinations of space conditioning and storage systems. We will run more than 100 experiments over the next three to four years to identify the mix of solar energy and other things a homeowner can do in combination with his utility to lower the overall cost.

CLEAN COAL

“As coal-fired plants become more expensive and more complicated, new approaches to producing power from coal could become more attractive. We’re looking for better technology to protect the environment at minimum cost. R&D on coal gasification and fluidized combustion has shown considerable promise. Unfortunately, these are not

available today, and our immediate needs must be met with better conventional plants that operate as cleanly, as reliably and as cost-effectively as we can make them.”

NUCLEAR POWER



Dr. Milton Levenson, Director for Nuclear Power at the Electric Power Research Institute.

“About 80% of our nuclear research is aimed at making nuclear power even less expensive. We’re trying to improve reliability, to extend fuel life, to protect against the cost of plant shut-downs, to make plant operations go smoother.

“We’re getting involved in new types of electronics, new concepts for inspection devices, and very sophisticated ways of analyzing materials. But basically it all comes back to reducing even further the cost of nuclear power.”

This country will need more electricity years before resources now in research will be ready to deliver it. By 1988, our demand will increase by 40% just because of new people and their jobs. Utilities will supply that energy using whatever fuels are then available and economical. For facts on how research is keeping our energy options open, just send the coupon.

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4CJR-09

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Address Phone

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Edison Electric Institute
The association of electric companies

reviews films. In addition, the magazine introduced continuing features on sports, business, cuisine, popular music, and television.

This latest succession may promise a period of stability for a magazine that has gone through a lot. It was bought in 1971 by Nicholas H. Charney and John J. Veronis, who turned it into four monthly theme magazines sold through a bewildering variety of direct-mail offers. Cousins left and started a new magazine, *World*; then he bought back the collapsing *SR* and merged it into his new publication. (The *World* part of the title was dropped in 1974.)

Tucker met Cousins in January 1977 at a meeting arranged by the former's father-in-law, R. Peter Straus, a New York broadcaster who now heads the Voice of America. Cousins found in Tucker, then twenty-five years old, both an investor and a successor. Cousins made an offer and Tucker assumed ownership in March 1977. During his apprenticeship, Tucker became publisher, but relinquished that job to James Broadwater, formerly of the *Texas Monthly*, when he became editor. Cousins moved up to a post called chairman of the editorial board.

One of Tucker's first goals, necessarily, has been to increase advertising. He points out: "We had a larger circulation than *The New Yorker* and they had eighty pages of advertising per issue and we had ten." But the April 15 issue had forty-six pages.

There has been a shakeout of the Cousins staff since Tucker took over, especially among the old-line columnists, such as John Ciardi, Leo Rosten, Cleveland Amory, and Judith Crist, but Tucker does not feel that the magazine's content has changed dramatically. "For the magazine to flourish," he said, "its future must be consistent with its past. . . . Any changes we make are going to be evolutionary."

Michele Wolf

New York loses one

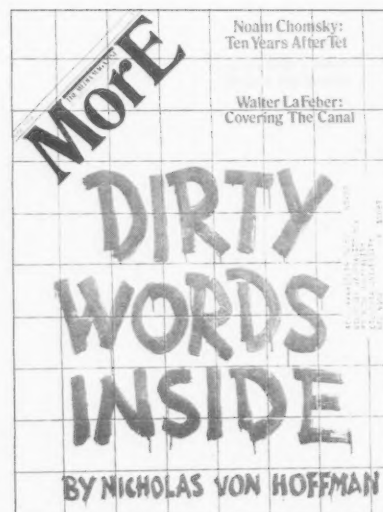
The first, pilot issue of *More: A Journalism Review* appeared in June 1971 on the crest of a wave of new media reviews.

But this one was different from many of those will-o'-the-wisp efforts; it was professionally staffed and set out to make its way in the country's most formidable media center. Moreover, its editor, Richard Pollak, and its publisher, William Woodward III, chose to try to make it earn its own way in the marketplace, a test avoided by both the nonprofit *Chicago Journalism Review* and the university-based *Columbia Journalism Review*. In its opening statement, *More* avoided any R.D.P. (Ringing Declaration of Purpose), but said: "Our goal is to cover the New York area press . . . with the kind of tough-mindedness we think the press should but seldom does apply to its coverage of the world."

If *More* had any single platform, it was its confidence in the talent of the working journalist, often wasted "in a system that still rewards stenography and discourages enterprise." It strengthened this kinship in its series of Counter-Conventions, named for the late *New Yorker* reporter and press critic, A.J. Liebling. The first, held in New York in late April 1972, drew an outpouring of as many as 3,000, one of the most exuberant gatherings of journalists ever held in America.

But after five years *More* was still struggling to survive. In April 1976, the original publishing concern, Rosebud Associates (a reference from *Citizen Kane*) was dissolved and title was transferred to Michael Kramer, a writer and contributing editor of *New York* magazine, who converted *More* from its tabloid format and dubbed it, in its new dress, "The Media Magazine."

Kramer's efforts lasted a year, whereupon he sold the publication to James B. Adler, president of Congressional Information Service. When Adler became publisher, Pollak and another founder, J. Anthony Lukas, became associated with the magazine again, but by the spring of 1978 Adler too began to talk of selling, having lost, he said, more than \$300,000. Publication ended with the June issue. Early in the summer, he began the discussions with the publisher of the *Columbia Journalism Review* that led, in July, to a transaction that consisted pri-



The last issue of *More*: its strength was its confidence in the talent of the working journalist.

ENERGY FOR WHAT?

⚡ We Americans have been warned repeatedly: we cannot expect to go on living the way we did in 1973 before the OPEC oil embargo. Things are going to be different in 1985 and by the year 2000, we are told, they'll be dramatically different.

The clear implication, of course, is that things will be rough in 1985 and worse by 2000. Life will be meaner. And, if not less to live for, there will be less to hope for.

Even though that prospect is both dim and questionable, it has faced only the most desultory challenges. Instead, debate has centered around the proper tactics to postpone Doomsday, the most likely date on which Doomsday will occur should we fail to agree on how to delay it, how much profit if any should be permitted those who keep the wheels humming until then, and other questions similarly remote from the basic issue.

⚡ The basic issue, it seems to us, is not Conservation versus Development, not Environment versus Energy, not Soft-Paths versus Hard. What matters most is not whether the higher price of oil goes to the producers as profit or the Government as taxes—nor even that the consumer pays the same regardless. The issue is that *none of the alternatives being argued is relevant if all it can promise is to slow our slide downhill.*

What is being exposed in this long, drawn-out haggling over Energy Policy may not be the short-fall of our resources, nor the weakness of our will, nor the inefficiency of our democracy. What is being exposed may be the paucity of our vision.

We Americans never expected to go on living the way we did in 1973 before the embargo. We expected each year to be sufficient unto itself and each one to be different.

What do we expect of 1985? Of the year 2000? What, for that matter, do we expect of 1980? Certainly not to be still arguing the issues of 1978!

⚡ Quite simply and matter-of-factly, we cannot begin to resolve the question of Energy without first resolving the question of "Energy for What?"

What kind of a country do we want to live in? What kind of a society do we intend to build? What kind of a world do we wish to shape?

Are we ready to retire from world leadership? Have we lost our faith in progress and exploration? Have we run out our string of dreams—dreams that were so palpable in the past and seem so elusive today? Or do we still have "promises to keep"?

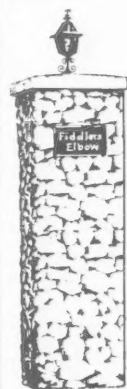
Is the world's most highly-developed nation ready to shift into neutral gear while its plants and equipment coast into obsolescence, its technology languishes, and its buildings deteriorate toward landmark status or await conversion by the arsonist into insurance claims?

"The cause of America," Tom Paine wrote in *Common Sense*, "is the cause of the whole world." Isn't it still?

⚡ *More than energy policies upon which to build a vision of the future, we need a vision of the future upon which to build our energy policies.*

With that in mind, we have invited a number of distinguished thinkers to join us in a continuing exploration of the question "Energy for What?" Because the issue goes to the heart of what this nation stands for it belongs, quite properly, to all the American people. For that reason, we are taking the unusual step of carrying our concerns beyond the confines of our membership through this and other thoughtful publications.

We welcome your comments and invite your inquiries.



FIDDLER'S ELBOW COUNTRY CLUB

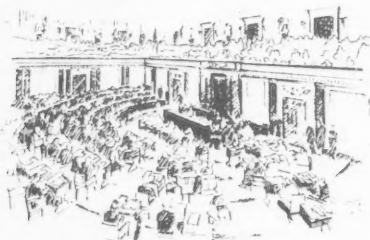
Fiddler's Elbow, a corporate membership club, offers an executive environment designed to permit a more leisurely and, consequently, more thoughtful approach to business.

On September 12, 1978, Senators Dewey F. Bartlett and James Abourezk, distinguished members of the Committee on Energy and Natural Resources, will join Herman Kahn, director of the Hudson Institute, to present their views on "Energy for What?" This luncheon meeting for members and guests is the first in a series of explorations we are planning on this subject. For further information:

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marily of the undertaking of *More's* subscription obligations by the *Review*.

This disposition angered at least one founder of *More*. Lukas, who had written for *More* from its first issue to its last (his parting shot being a scathing review of the Breslin-Schaap "novel," .44), was quoted in *The Washington Post* as saying that to "hand it to the magazine to which it was supposed to be an alternative, is the ultimate irony and the ultimate obscenity." For his part, Adler said that he thought that there was never any disagreement between the magazines "as to the desirability of providing journalistic criticism." J.B.

(Details of the transaction are given in "Publisher's Notes," page 24.)

WORKING

Counterpunch

In the first six months of 1978, the managements of New York City's three major dailies mounted an unusually varied offensive against the largest union representing their employees, the Newspaper Guild of New York. Throughout negotiations for new contracts, the guild seemed slightly off balance, like a boxer who has run into a fast counterpuncher.

The character of the negotiations, aimed at replacing contracts that expired at the end of March 1978, was clear from the first, when the Publishers' Association of New York City, agent for the papers, insisted on an inconvenient downtown site for meetings. Moreover, the papers launched a distractive maneuver on March 9 by submitting to the National Labor Relations Board a petition for "unit clarification" designed to remove perhaps 700 jobs at the three papers from guild jurisdiction. At the same time they submitted a list of contract proposals aimed at recouping benefits granted in previous contracts.

Through most of the spring, Rupert Murdoch's *New York Post*, the paper under the most severe financial pressure, took the offensive. In the March 9 proposals, it called for, "on a one-time basis, the right to terminate members of the staff with appropriate severance pay

who in its judgment are incompatible with the new management's publishing concept." Dubbed the "Auschwitz clause" by the guild's executive vice-president, Harry Fisdell, this demand, combined with a management "hit list" of more than 140, led to the departure of more than 100 employees by the end of May. In the meantime the *Post* tuned up for non-union operation by putting out Sunday trial issues (the *Post* does not publish on Sundays) with the help of importees from the Murdoch papers in San Antonio. On April 14, less than an hour after a deadline set by management, the *Post* announced termination of the old contract, which had expired March 30. (A similar action by *The Washington Post* had produced a court ruling in November 1977 that the contract remained in effect.)

At the end of May, the crisis shifted to the *Daily News*, when the *News* management announced termination of its Newspaper Guild contract. The response was a strike deadline of June 6, deferred at the last moment when federal mediators produced a settlement proposal. The guild accepted it; the *News* turned it down. A new deadline was set for June 13 and, at 2 P.M. that day, the 1,340 members of the *News* unit walked out. Eight production unions honored the picket line; the International Typographical Union (which is scheduled to merge with the guild) had a contract in force and did not. Nor, it appeared, would the Newspaper and Mail Deliverers' Union, whose cooperation was vital to the paper's hopes for non-union publication. There was scattered violence against *News* trucks, and dissension split the drivers' union. For two days, the *News* put out limited press runs. On the third, Douglas La Chance, president of the drivers' union, called out his members, and the *News* abandoned its effort to publish.

Settlement came promptly, on June 17, with the *News* under pressure to resume publication and the guild urged by the craft unions to reach a quick agreement. The result was greeted with more enthusiasm by management than by the

union. The most substantial management gains were contained in "grandfather" clauses that would deny to future employees gains won by present guild members. The guild, for its part, won wage increases that would average 6 percent a year for three years.

During the strike, the *Times*, which had committed itself earlier to support the *News*, indulged in a curious maneuver: it announced that it, too, was terminating the old guild contract and was eliminating checkoff and arbitration rules. In a note to employees, the *Times* threatened to suspend publication and stop paying guild members. A day later, when the *News* settlement was announced, the *Times* called the whole thing off, and restored the contract to force.

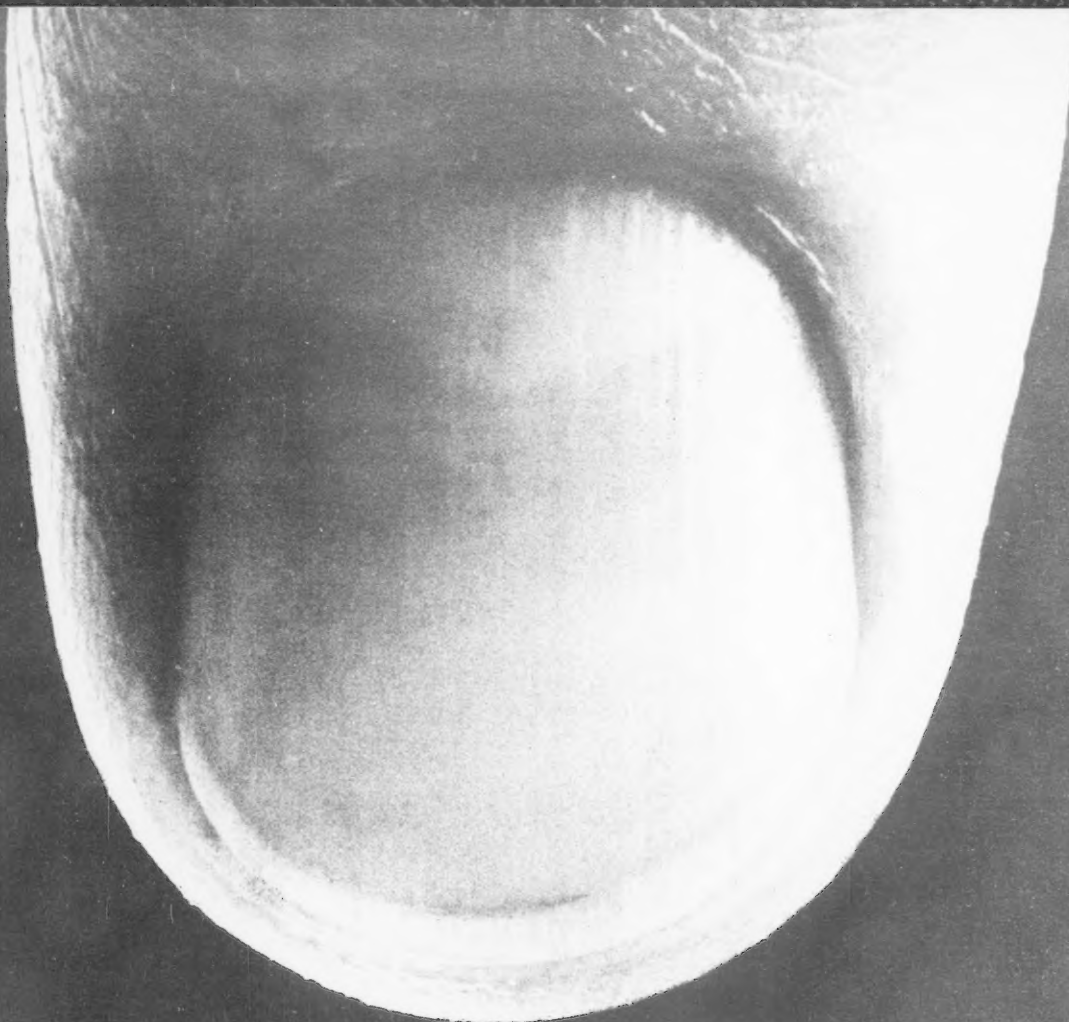
As of the end of July the score was one for the publishers, with two contracts yet to be completed.

Baltimore quickie

A strike by more than 500 Newspaper Guild members against the Baltimore *Sun* and *Evening Sun* on June 7 was settled within four days with few appreciable management gains. The settlement included wage increases that would raise experienced reporters, photographers, and artists a total of \$85 to \$485 a week by the end of 1980. Both newspapers were published during the strike, with the aid of union printers who crossed picket lines and of non-union drivers.

Real Paper union

On June 9, *The Real Paper*, one of Boston's two prospering alternative weeklies, announced an agreement with the Real Paper Employees' Association, an independent union of fifty-nine members recognized in 1977. Besides routine wage provisions, the contract provided for an affirmative-action hiring program, child care, and grievance procedures specifically designed for the paper's writers. Rory O'Connor, one of the union's negotiators, could not resist needling the rival *Boston Phoenix* in print: "We ask the public to support us, remembering that



Wait. Just a second. Before you write, file or edit a piece that involves over-the-counter (nonprescription) medicines ask yourself this: Would a quote or factual data from the industry make the story more incisive? If you say yes, the place to call is The Proprietary Association, the industry spokesman. (Our 88 members account for 90% of the market.) Call Linda Yakovich in our Public Affairs Office at 202/393-1700 with any questions you have. We'll answer your questions or put you in touch with someone who can. For more general industry information, mail the coupon. Either way get in touch...before you hit that keyboard.



Mail to The Proprietary Association, 1700 Pennsylvania Avenue, N.W.,
Washington, D.C. 20006, Attn: Public Affairs Office, Room 700A.
Send me your package of industry information.

name _____
publication/station/firm _____
address _____
city _____
state _____
zip _____

unlike our nonunion competitor, we have worked together with management to obtain one of the most progressive contracts in the United States."

In and out

In its May/June 1977 issue, the *Review* reported that the International Typographical Union had organized the newsroom of the Santa Fe *New Mexican*, a Gannett newspaper, following a vote of 18-9 by employees. Thereafter, Gannett management instituted a program of wage increases and moved in executives from other Gannett newspapers. On May 17, 1978, the *New Mexican* newsroom employees voted out the I.T.U., 23-8.

Writer's compensation

Tom Mechling, an activist writer, hauled *The Washington Monthly* into a District of Columbia small-claims court on May 31 and established the principle, at least provisionally, that free-lancers may be entitled to compensation for work completed but not published—what is commonly called a "kill fee." Mechling had had an article accepted by the *Monthly* and had completed requested revisions, only to be told that it would not run. He filed a claim for the full payment at ten cents a word, \$330, and settled for the amount he had specified in a letter to the *Monthly's* editor, Charles Peters: \$83, or 25 percent. Mechling stated in his claim: "I am an independent journalist, whose writing time . . . is his means of support. It is not to be used as 'theft of writing services' by any editor to whom articles and writing ideas are submitted."

HONORS

News directors' citations

The Radio Television News Directors Association brought out its list of major prize winners in June. The twenty-first winner of the Paul White Memorial Award, named for the founder of CBS News, was Bill Monroe, moderator and executive producer of NBC's *Meet the Press*, and formerly Washington bureau chief for NBC; Monroe is known as an

outstanding proponent of broadcast parity with the printed press under the First Amendment. Three television stations received the R.T.N.D.A.'s international (United States and Canada) awards: the Edward R. Murrow award for documentaries went to WBAL-TV, Baltimore, for a Josh Howell-Joe Klimovitz report on the two years of wanderings of an alcoholic in East Baltimore; WWL-TV, New Orleans, received the spot-news citation for its coverage of the Continental Grain Elevator explosion; and WMAQ-TV, Chicago, was honored for editorials and commentary on such topics as local justice, the Nazi march in Skokie, and urban planning. No winner was chosen in investigative reporting.

Weekly editors

Tom Leathers, publisher of The Squire newspapers in suburban Kansas City, was named in June the third recipient of the Eugene Cervi Award, named for the late founder of *Cervi's Journal* of Denver. The award was given by the International Society of Weekly Newspaper Editors, meeting at Northern Illinois University. It was Cervi's example that led Leathers to found his paper in 1959. He has given broad-ranging coverage to the problems of metropolitan Kansas City and in particular has reported on the operations of the *Star* and the *Times*, the city's two major dailies.

Robert H. Estabrook, editor of the *Lakeville Journal* in northwestern Connecticut, received the society's Golden Quill award for editorial writing, his second. His winning editorial concerned the police investigation in the Peter Reilly case—that of a youth accused of killing his mother and later cleared. The editorial dissected the police case against Reilly and charged that "the element of self-justification was never far away."

Business and financial

In May, the Graduate School of Management at U.C.L.A. announced the twenty-first annual Gerald Loeb Awards in business and financial journalism. The recipients were: Paul Steiber, Robert Rosenblatt, Ronald Soble, Murray See-

ger, and Sam Jameson, all of the *Los Angeles Times*, for a series, "The Dollar: Its History and Current Woes"; Harold Chucker of the Minneapolis *Star* for "Where's the Money?"; an analysis of capital problems of small technologically oriented concerns; Lewis Lapham, editor of *Harper's*, for "The Energy Debauchery"; and Hobart Rowen of *The Washington Post* for an article, "IMF, World Bank Face Grave Issues". In October, each winner is to receive \$1,000 and a plaque.

Award for critics

The Mellett Fund announced in May the establishment of an annual award for outstanding work in media monitoring and evaluation of press performance. The award is being established with the aid of a grant from the Philip L. Graham fund, which memorializes the former publisher of *The Washington Post*. The Mellett Fund is an independent, nonprofit organization established through a bequest by Lowell Mellett, editor and columnist, to the Newspaper Guild. The award will be given in 1979 in Mellett's name. The fund's address: 1125 15th Street, N.W., Suite 835, Washington, D.C. 20005.

I.R.E. III

Investigative Reporters and Editors, the national journalists' organization best known for its 1976-1977 investigation of corruption in Arizona, held its third national conference in Denver in June, with five hundred attending. James Polk, an investigative reporter for NBC News, replaced Robert Greene of *Newsday* as president, and the University of Missouri was designated the new base and resource center for I.R.E. I.R.E. has also branched into regional conferences: the first was held in February at Eugene, Oregon. Another has been scheduled for Palm Springs, California on September 8-10, 1978. Information is available from I.R.E., P.O. Box 4515, Riverside, California 92514.

She Failed... To Join The Union.

On March 11, 1978, Anne Parks, a Detroit educator for over 40 years, was fired.

She hadn't neglected her education—she had a master's degree and a Ph.D.

She hadn't neglected her students—she stayed in Detroit city schools while many of her colleagues fled to the suburbs.

But after four decades of dedicated and unblemished service, Anne Parks was fired by the Detroit Board of Education—for refusing to join the teachers' union or pay the

equivalent of union dues.

"I'm not against unions or organizations," Dr. Parks says, "but I don't think any person should be forced to join one."

The devoted educator has not given up. With the help of the National Right to Work Legal Defense Foundation, she has appealed her dismissal.

The appeal is based on a related case involving fellow

Michigan educator

Kathryn Jackson.

Last February,

Jackson won a Michigan State Tenure Commission ruling which stated, "Non-payment of

'agency shop' fees or dues does not meet the standards of reasonable and just cause for discharge. . . ."

The Jackson precedent could put Anne Parks back in her Cody High School office and among the young students she has served so long and so well.

"How can a teacher teach all facets of an issue," asks Dr. Parks, "when he believes he is beholden to the union for his salary and other benefits? Teachers are responsible to the public, not to union officials."


Anne Parks and Kathryn Jackson are fortunate. They found legal help. But how many others like them haven't?

The National Right to Work Legal Defense Foundation is helping everyone it can—currently in more than 80 cases involving academic and political freedom, protection from union violence, and other fundamental rights.

If you'd like to help teachers like Anne Parks fight for real academic freedom, write:

The National Right to Work Legal
Defense Foundation
8316 Arlington Boulevard
Suite 600
Fairfax, Virginia 22038





If polio ever makes a comeback, we can all take some of the blame.

Right now, millions of our kids are not immunized against childhood's most dreaded diseases. Example: 19 million kids are at risk of becoming polio cripples.

What happened? In 1962, the biggest news in health care was the development of the Sabin oral vaccine for each of three poliovirus strains. In most of the world it replaced Salk vaccine, the first polio preventative (administered by injection). In 1963, after investing 16 years in polio research, Lederle Laboratories made mass immunization simple and practical by combining all three Sabin vaccines into a single oral vaccine. Soon, polio was on its way out.

Unfortunately, once the disease was under control, people stopped worrying about it — the general public, the press, the medical profession. We *all* relaxed our vigilance. So now we have work to do.

Let's work together. The drug industry has the vaccines. Physicians are ready to use them. But public health has always been a job for the community as a whole. No profession has shown more effectiveness in mobilizing community action than the news media — in the past, and right now.



(For more information on pharmaceutical research, write for our booklet "Response to Human Health Needs.")
LEDERLE LABORATORIES, A Division of American Cyanamid Co., Pearl River, New York 10965

AT ISSUE

Goosing the public

One of Shevchenko's aides at the U.N., Vyacheslav Kuzmin, believed to be the KGB officer who was assigned to keep him under surveillance, asserted that "he is a sick man. . . ." (Time, April 24, 1978)

Bishop Abel Muzorewa, believed to have the largest following among Rhodesia's 6.7 million blacks, boycotted a Government rally . . . last week. (Barbara Slavin, Thomas Butson, and Michael Wright, The New York Times, May 14, 1978)

"Despite what the Government says, our people do not demonstrate against modernization but against dictatorship," said Ayatollah Kazem Shareatmadary, a small, turbaned man of 72 who is considered the most important Shiite religious leader in Iran. (Nicholas Gage, The New York Times, June 4, 1978)

Decisions on money, liquor and inventory taxes are expected to dominate the 1978 General Assembly. . . . (Lenox Rawlings, The Winston-Salem Journal, May 28, 1978)

These extracts from American magazines and newspapers exemplify a standardized way of treating events, in which journalists allude, often in the guise of doing "straight" reportage, to what is believed, estimated, expected, perceived by—well, by nobody in particular, by everybody, by unidentified and yet implicitly credible witnesses, by ghosts. One might call this widespread journalistic practice "ghostwriting," but that term has already been appropriated for another purpose. So has "sourcery" (thanks to Alan Green and Kay Manning, in the May 20, 1978, issue of *The New Republic*). So let's call this usage "goosing," a term derived from the proverb "What's source for the goose is

source for the ghostwriter." Assertions, then, are "goosed" or "goosed up" to lend them an importance they would otherwise not have.

The practice is not uniquely American. Neither is it confined to the verbs "believed," "considered," and "expected." Some of its further variants and its international ubiquity are illustrated by these additional examples:

There are 90 area health authorities and it is expected that most of them will be eliminated in the proposed change. (The Times of London, May 16, 1978)

While the business community is expected to welcome this step, there is still a feeling that the [Spanish] Government needs to focus more attention on exports. (The Financial Times, April 17, 1978)

. . . two of Pakistan's best friends, Iran and Saudi Arabia, are understood to have advised that country to make a genuine effort to befriend India. They are understood to have emphasized the importance of Indo-Pakistan unity in the interest of accelerated development. . . . (The Statesman, Delhi, February 6, 1978)

The car, a 4.2 litre XJC, is white. This is regarded as a more suitable color for Queensland's climate. (The Courier-Mail, Brisbane, Australia, April 10, 1975)

The rational alternative to such goosing, of course, is to identify by name or status the people or agencies whose views are being presented. Only then can statements about what has happened or will happen be confirmed or challenged by contacting the sources cited. Goosed statements cannot be verified. They impart, not information, but the illusion of information. They suggest, for example, that an "understanding" ascribed to nobody in particular is shared by everybody, or by every-

body in the know, and that it is factually correct. Yet the journalist carefully refrains from endorsing either inference.

Last December, in about a score of newspapers published south of the equator, a few million readers were treated to a "news" story whose lead paragraph stated: "Jerry Brown, who's expected to become President in 1980, or 1984 at the latest, will not only make history. He'll make it sit up." The reporter, Jean Rook, made no attempt to identify the holders of this expectation, or to

'Goosed statements impart, not information, but the illusion of information'

indicate how they differ in credibility from, for example, proponents of the flat-earth thesis.

In this case, goosing was used to launch a harmless piece of feature writing. It can also be used insidiously, however. In August 1976, the chief European correspondent for Herald & Weekly Times Proprietary Ltd. newspapers (the largest chain in Australia and the South Pacific) filed a story saying that Wilfred Burchett, who claims to be a professional journalist, "lived in Hanoi" during a time which concerned a law court "and is understood [emphasis added] to have drawn at least some of his income from North Vietnam Government sources." For Burchett's professional standing and for his Australian citizenship, the implications of such a charge—and it is a charge—were momentous. The

CEUD MILE FAILTE*A hundred thousand welcomes.***An Darna Eadar-dhuthchail***The Second International***Co'chruinneachadh***Gathering***de Chlann Albanach***of the Clans.***Bho an t-og-mhios 29, 1979***From June 29, 1979***Gu Lunasdal 12, 1979 ann***to August 12, 1979***an Alba Nuadh Chanada***Nova Scotia, Canada.*

Nova Scotia is the site of the 1979 International Gathering of the Clans, surely the most exciting North American Scottish event in history. This major international gathering will attract Clansfolk from all over the world, united by a common interest in their roots and an inborn love and pride in their ancestry and their name. For information and editorial assistance on the Gathering and its host province, write or phone:
 Editorial Services
 Nova Scotia Department of Tourism
 P.O. Box 456
 Halifax, Nova Scotia Canada
 (902) 424-5782



correspondent, Garry Barker, did not actually say Burchett was a North Vietnamese hireling, yet his choice of words tacitly endowed the claim with credibility.

On April 23 of this year, columnist Tom Wicker produced this deft bit of goosing in *The New York Times*: "Mr. Hill [of Texas] is perceived as somewhat more liberal than Governor Briscoe, but not by much. . . ." By stating that Hill "is perceived" as being more liberal than Briscoe, while mentioning no contrary perceptions, Wicker invites readers to draw two conclusions: that the perception is general and that it is correct. Yet on neither point does he actually voice an opinion, let alone furnish relevant evidence.

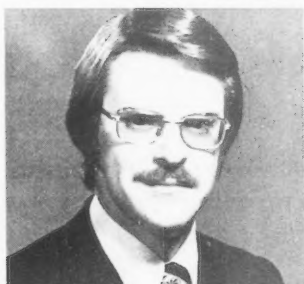
". . . Is understood," "is estimated," "is regarded," "is seen as," "is considered," "is believed," "is reckoned," "is perceived"—such mentally and grammatically passive phrases, when not attached to the names of actual people, move the reader into a world remote from reality. In this world, envisioned by German metaphysicians of the nineteenth century, ideas operate independently of any merely human agency and repose in ghostly non-persons who do not work in visible offices and do not have telephones—or, in any event, cannot be reached for comment.

It is hoped, but not widely expected, that journalists will soon stop leading the public on this wild rhetorical goose chase estimated to involve most readers of news magazines and newspapers in the English-speaking world.

JOHN D. MAY

John D. May, a former journalist, teaches political subjects at the University of Queensland, in Australia.

A message from Nursing Home Professionals.



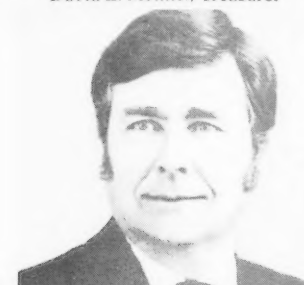
Don L. Brewer, President



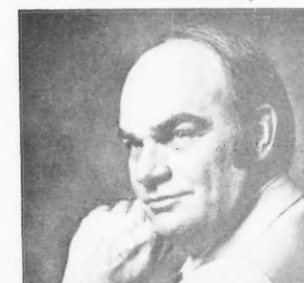
Roger Lipitz, First Vice President



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*Theodore Carich, Jr.
Immediate Past President*

Health care abuses. Profit abuses. Bureaucratic fumbblings. These and other attacks leveled at nursing homes have always appeared as front page news.

When these stories appear, we are just as outraged at the shame and the scandal. We abhor the tales of unsafe facilities, inadequate diets, patient neglect.

Perhaps, unwittingly, we have built a serious communications gap. A gap between what most critics believe to be the facts and what actually are the facts related to the nursing homes in our nation today.

Nursing home care is a relatively recent development in this country. From the early community-sponsored shelters that served as poor houses, the nursing home was born. Usually a small family-run home that planted the seeds for today's modern facility.

But as human life spans continued to increase, so did the problems of aging and the care for the aged and the chronically ill. So that by the early 1950's, the need to improve conditions and facilities was critical. A major growth took place, not only aided by public awareness, but by the private investment of billions of dollars for land, construction and qualified personnel.

Suddenly, the number of long-term facilities tripled from 6,500 to 25,000.

Suddenly, from 172,000 available beds in 1953, the number of beds became 1.2 million by 1973.

Today, there are 20,000,000 Americans aged 65 and over. But, as many as 600,000 need nursing care and can't get it. Because for all the growth, for all the improvements, the number of Americans needing professional health care has skyrocketed.

Where can these people go? As fast as new, modern, professionally staffed facilities are built, just as quickly the waiting lists multiply. Many remain residents of boarding houses, independent homes, some inadequate, too many unsafe.

The incidents that have stigmatized the entire health care industry are mainly focused on those homes.

But these stories mask the progress of the vast majority of AHCA members who provide a wholesome, enriching environment for their residents. We are constantly improving both the social and physical environment; we are working to build individual dignity to its highest level; we are recruiting more qualified full-time specialists, searching for methods to train and re-train doctors and nurses in geriatric care. The nursing home profession has outgrown the county poor farm. Certainly the story of progress in health care is just as valid as the story of abuse. Let's report them both.

ahca

**American
Health Care Association**

1200 15th Street N.W. Washington D.C. 20005

PUBLISHER'S NOTES

Expanded audience

On July 21 the following joint announcement went to the news media:

More magazine is suspending publication as an independent entity and is being merged into the *Columbia Journalism Review*, the two magazines announced today.

Both publications have sought to monitor the performance of press and broadcast journalism. The *Columbia Journalism Review*, founded in 1961, has a current net paid circulation of about 32,000. *More*, founded in 1971, has had a total circulation, including newsstand and other sales, ranging between 15,000 and 20,000. Its current subscriptions, apart from newsstand sales, total just under 12,000. The *Review* will fulfill these, extending the subscriptions of those who now subscribe to both magazines.

In a statement that is being printed for mailing to all *More* subscribers, James B. Adler, the magazine's publisher, says: "Despite a significant commitment, we have found that the continued effort and expense of publishing *More* are beyond our capabilities. Indeed, in the face of serious difficulties, which included a personal illness of mine, we kept going as long as we did only because we took seriously *More*'s responsibility to its readers and to society at large.

"I am, however, gratified to announce to you that *More* magazine will continue in spirit if not in form. It is being merged into the *Columbia Journalism Review*, which has as its stated purpose: 'To assess the performance of journalism in all its forms, to call attention to its shortcomings and strengths, and to help define—or redefine—standards of honest, responsible service . . . to

help stimulate continuing improvement in the profession and to speak out for what is right, fair, and decent.' These goals square with our own."

Elie Abel, dean of Columbia's Graduate School of Journalism, which publishes the *Review*, said: "The *Review* obviously will benefit from this development. Nonetheless, we are sorry to see *More* disappear as an independent entity. It has been lively and enterprising. *More* has a strong following among both writers and readers, whom we are happy to welcome to the *Review*. We are also happy that James Adler will serve as a special advisor to the *Review* in the months ahead." James Boylan, editor of the *Review*, added: "We hope steadily to broaden our coverage while continuing to stress frankness, enterprise, and fairness."

Shrinking breed?

The demise of *More* as a separate entity illustrates a regrettable trend.

Soon after the *Review*'s founding in 1961 there was a flowering of small publications, mostly local or regional, designed to monitor the performance of journalism. By our count the total came to thirty-two. Some were amateurish and bore the tone of the young reporter getting even with the city editor. Others, however, were professional in tone and execution. All of them from time to time flagged journalistic misdeeds that should have been shown up. And all, at least philosophically, had a socially useful potential, for journalism can benefit from the kind of criticism it bestows on others.

Today, only the *St. Louis Journalism Review*, *feedback* (published by

San Francisco State University), *AIM Report*, and two or three others survive as regular periodicals. The newborn *Washington Journalism Review* at last word was looking for funding in order to survive.

Inadequate revenue, together with waning zeal among volunteer or semi-volunteer staffers, has been the cause of most failures.

As the healthiest of the survivors, the *Columbia Journalism Review* again thanks the foundations, the other donors, and the loyal subscribers who helped it through its most difficult days. It hopes to improve its service progressively, to avoid partisanship, and to continue forthrightness in both its darts and its laurels.

As we are saying in a separate communication to former *More* readers, we hope they will join present readers in what is really a joint effort. Suggestions, story ideas, tips, and clippings will be received with gratitude (and sometimes with modest compensation). Even criticisms of the *Review* are valued and are often given space.

Well said

John Chancellor of NBC News to the Associated Press Broadcasters on June 2: "Increasing numbers of journeymen journalists are beginning to worry that their organizations are paying more attention to the bottom line than to the headline . . . What [the news] is not is gimmicks on the air or in print, which use up good money, time and space, instead of the real news—because if you work hard and with imagination to bring the people honest news, they'll love it, and be better off." E.W.B.

A free press is not a privilege but an
organic necessity in a great society.

Walter Lippmann

NORTHROP

Making advanced technology work.

COMMENT

The rush to write a law

Within weeks of the *Stanford Daily* decision on May 31 ("Comment," July/August), a dozen bills were offered in Congress to control unannounced searches by law-enforcement officials, either in newsrooms or among private records elsewhere. Those parts of the news industry that have been accustomed to seeking aid in Washington—most notably the American Newspaper Publishers Association, which helped lobby through the Newspaper Preservation Act eight years ago—sprang to the support of such legislation.

The *Review* subscribes to what may be a minority view—that a federal law is undesirable as a protection for the press. This case has been strongly put by Eugene Patterson, editor and chief executive officer of the *St. Petersburg Times*. On the *New York Times* op-ed page of July 31, Patterson argued that any legislation affecting journalists' rights necessarily concedes that Congress has "a right to pass laws related to press freedom"—hence, the right to infringe, as well as to enhance, that freedom.

There is an additional argument—that courts are not inclined to respect laws protecting the press if a given court's own authority is at stake. *News Media and the Law*, the estimable periodical of the Reporters Committee for Freedom of the Press, is filled these days with stories of judges knocking to bits laws passed to conserve press rights. State shield laws, aimed at protecting reporters' sources, have been ruled void in the face of demands of the judicial process.

The most celebrated such case recently has been that of M.A. Farber of *The New York Times*, who sought the protection of New Jersey's confidentiality law in resisting a court order to yield to judicial perusal his notes from his investigation of Dr. Mario E. Jascalevich, on trial in New Jersey for multiple hospital poisoning deaths. With full support from his newspaper (to the extent of lavish and even tendentious news coverage), Farber has held to the principle that he cannot abandon promises he gave his sources. His statement to the court on July 24 sets an example for journalists involved in this struggle:

I did not join my profession to cloak myself in the First Amendment, or to flaunt it. Few journalists do. But I cannot cast aside my obligations as a reporter simply because they are being contested. The inevitable result of my compliance with this order would be my conversion into an investigative agent for the parties to this case. . . . If I give up my file, I will have undermined my professional integrity and dimin-

ished the credibility of my colleagues. And, most important, I will have given notice that the nation's premier newspaper is no longer available to those men and women who would seek it out—or who would respond to it—to talk freely and without fear.

The Farber and *Stanford Daily* cases are closely linked. Indeed, Justice Byron R. White, in the August 1 opinion that put Farber in jail two days later, cited as precedent his own opinion in the *Stanford Daily* case. More important, both cases represent rejection by the judiciary of journalists' claim to confidentiality as a First Amendment right, a claim that the Supreme Court first blunted six years ago.

As distinguished a commentator as Anthony Lewis of *The New York Times* has urged the press to back away from this new confrontation: "It would be a grave mistake for the press, if it has a fair hearing," he wrote in the *Times* of August 7, "to put itself above the law." Yet, isn't "to put itself above the law"—that is, to insist on the constitutional right—journalism's best assurance of a full and fair hearing on this issue? What is likely to be the permanent gain, either in the right to gather news or in public understanding of that right, if the press accepts a hasty, and fragile, legislative remedy?

Darts and laurels

Dart: to the *San Francisco Examiner*, for its misogynistic front-page banner on the E.R.A. demonstration in Washington July 8: WOMEN GANG UP ON U.S.

Laurel: to Barry Bingham, publisher of the *Louisville Times* and *Courier-Journal*. Community sentiment notwithstanding, Bingham rejected a proposition by fried-chicken king John Y. Brown, Jr. to shift Brown's Buffalo Braves basketball team to Louisville—if the papers would promise continuing support.

Dart: to the Kansas Press Association, for supporting a newspaper publisher in his news boycott against a local politician who had restricted his advertising monies to broadcast media only. "It's too bad," sighed the K.P.A.'s June 9 bulletin, "that newspapers may have to resort to bartering, so to speak, with some candidates to make them realize they need a mixture of both media. Read the releases you receive carefully. Maybe it is time for a little political bargaining."

Laurel: to the *Des Moines Register and Tribune* and its president and editor Michael Gartner, for forthright, balanced coverage of the controversy surround-

ing the editor's brother David, who was pressed by the White House to resign as head of the Commodity Futures Trading Commission because of gifts to his children from a large grain concern despite full disclosure prior to his confirmation. (He refused.) Articles on the running June-July story routinely identified the relationship between the commissioner and the editor, and while the *Register and Tribune* refrained from editorializing on the subject, it reprinted editorial columns from other papers urging resignation.

Dart: to Harte-Hanks's *Abilene Reporter-News*, for packing its news columns with promotional baggage about paper-sponsored travel tours and weighting them with references to a particular local agency. A May 1978 obituary, for instance, managed to include the information that the deceased had participated in one such tour in 1972.

Laurel: to the Call-Chronicle Newspapers of Allentown, Pennsylvania. In an attempt to reflect the employees' 12 percent interest in the company's equity, the ten-member board of directors elected to its ranks in July its first non-executive employee, Robert W. Charles, a compositor.

Laurel: to *New York Times* reporter Marcia Chambers, for her June 21 disclosure that contrary to state law, New York City's board of education meets regularly behind closed doors, without advance public notice and with a confidential agenda, to discuss public policies affecting the nation's largest school district.

Laurel: to *ABC News Closeup*, for its unflinching look at society's underbelly, "Youth Terror: The View From Behind the Gun." Bold in concept and stunning in presentation, the hour-long tele-verité report (June 28) pumped fresh blood into the anemic form of the commercial network documentary.

Dart: to Frank Cormier and the Associated Press, for a misguided June 22 takeout on Carter's grammatical flubs that pointed, as an example, to his message to the Senate urging ratification of a North Pacific fisheries agreement "between the United States, Canada and Japan"; what Carter "obviously" should have said, the article sniffed, was an agreement "among" the three nations. Among you and me and the lamp-post, Carter's usage in this case was perfectly okay.

Dart: to the *New Orleans Times Picayune*, for its unabashed ad in the June 17 *Editor & Publisher* classifieds seeking applicants for a spot on its business/financial desk. Among the qualifications: experience, good spelling, and a "pro-business philosophy."

Laurel: to *CBS Evening News* with Walter Cronkite, for its three-part report (June 15, 16, 19) on South Africa's multi-million dollar promotion in the United States: lobbying, advertising, sending free slide presentation kits to schools, and secret propaganda activities by the mysterious Club of Ten.

Laurel: to *The Brookings* (Oregon) *Harbor Pilot* and publishers and editors Richard and Polly Keusink, for

a February 16 article exposing as ripoffs some of the "business opportunity" ads the papers carries in its own classified columns.

Dart: to *OK*, the *Tulsa World Sunday Magazine*, for a curious coincidence of editorial matter and advertising. Did the April 30 "OK Special Report on Insurance," wrapped around eight insurance ads, represent a no-fault accident or the magazine's policy for extended life?

Laurel: to *U.S. News & World Report*, for its orderly approach to chaotic complexities in a twenty-four page section in its May 1 issue, "The ABC's of How Our Economy Works."

Dart: to Robert E. Short, owner since May of Minneapolis's only all-news radio station, WTTC, for directing his twenty-member news staff to join the five-member sales staff in an all-out effort to sell commercials. Short dismissed the possibility of conflict of interest as "patently fallacious."

Dart: to the *Pensacola Journal* and sports editor Billy Mitchell, for comments about a female tournament golfer that veered abysmally into the rough. Gawked Mitchell in a May 10 column: "When Jan wears her popular blouse with 'Birdie' emblazoned across the front, you should see how the 'i's are dotted."

QUBE-ism

An experiment in journalism—or in marketing (sometimes it's hard to tell where one ends and the other begins)—took place in early June. The management of *Us* magazine, the New York Times Company's defective clone of Time Inc.'s *People*, eager to know which magazine cover subject would sell the most *Us* magazines, turned to a new testing technique "to complement our own research and confirm our editors' judgment as to the best-selling cover possibilities." The technique, developed by a division of Warner Communications Inc. called Warner Cable Corporation, is a two-way cable television response system called QUBE.

Editor & Publisher reported on the experiment in its July 8 issue: "A five-minute interactive program was structured and aired, during which viewers were invited to 'play editor' and help choose the next cover of a major national magazine. . . . Included among the five possible cover subjects were: John Wayne; The Incredible Hulk; Goldie Hawn (with Chevy Chase); Dolly Parton; and Kris Kristofferson (with Rita Coolidge)."

The slate of cover-story candidates seemed almost as exciting as a presidential ballot offering voters the choice of Richard Nixon, Gerald Ford, Ronald Reagan, and Carl T. Curtis. Or as helpful as a QUBE-type newspaper-headline-picking game with a crop of headlines such as SOLON CLONES SELF, CARTER WHITE

HOUSE HIGH ON DRUGS?, KILLER BEE FELS MOVIE MOGUL, MONSTER SIGHTED IN LOCAL LOCH, and SLAYER STALKS CITY STREETS.

To get back to the experiment: Wayne was the winner "by a wide margin. The Hulk finished second. Both Wayne and The Hulk have now appeared on successive *Us* magazine covers."

Editing is getting easier every day.

The bones of the behemoth

On July 13, after an investigation that had lasted eighteen months, the House Committee on Standards of Official Conduct, better known as the House ethics committee, formally charged four incumbent and two former members of Congress with taking cash from South Korean businessman Tongsun Park and exonerated nine others. A big story—or a story that the press had long covered as if it were big—had come to an official end, of sorts. The denouement yielded some odd coverage.

Among those exonerated, the two most prominent were Thomas P. O'Neill, Jr., of Massachusetts, the House speaker, and John Brademas, of Indiana, the House majority whip. That both were exonerated may still be news to readers of *The New York Times*, since that paper's July 14 story on the ethics committee's report never really said so. The headline reflected, and compounded, the confusion to come: BRADEMAS AND O'NEILL ARE NAMED IN HOUSE INQUIRY ON KOREA BRIBES. In headlines, "named" usually means "accused." The lead paragraph seemed to support this interpretation; it read:

Representative John Brademas . . . accepted \$2,950 in \$50 bills from a foreign national at a time when he was involved in drafting legislation to prohibit such contributions, the House ethics committee reported today.

To most readers—presumably only vaguely aware of the elastic standards of the House ethics committee—this information would suggest that Brademas would be among those charged with misconduct. A clue that he was not appeared, finally, in the ninth paragraph: ". . . the committee took no official action against Mr. Brademas . . . other than to point out certain areas of concern." That's as near as it got to saying that the report had exonerated the Indiana Democrat. Its treatment of O'Neill was slightly less oblique. By paragraph fourteen it became clear that O'Neill belonged among those who were "also cleared."

The Boston Globe set matters close to home straight right at the start. Its article on the committee's report was headlined PANEL CLEARS O'NEILL IN KOREAN SCANDAL. It began:

The House ethics committee formally charged four House Democrats yesterday with taking cash from South Korean businessman Tong-sun Park in possible violation of House rules and also cleared House Speaker Thomas P. O'Neill Jr. of any wrongdoing.

The story was lucid, but shy of detail. It omitted any mention of John Brademas, presumably because what happens to a Hoosier, even if he is the majority whip in the House, is not of concern in Boston.

The *Washington Star's* July 13 headline spelled out the story with commendable clarity. SIX NAMED IN HOUSE KOREA PROBE read the headline, using "named" in the usual headline sense. It added: 4 ARE STILL IN CONGRESS; O'NEILL, BRADEMAS CLEAR. The *Star* story reported at length on the allegations against the six charged and dismissed in a single paragraph the nine exonerated incumbents.

The A.P. story similarly reported at great length on those accused of misconduct, while the U.P.I. story, as it appeared in the *Chicago Tribune*, went on to explain more carefully why "nine others, including two top Democratic leaders, were cleared. . . ." The *Washington Post* placed O'Neill's exoneration uppermost, and even managed to imbue the story with something akin to excitement:

House investigators chased leads in Ireland, on tapes of a birthday party, with a subpoena to a reporter, and from an "irrational" witness who suggested a kidnap plot—all before clearing House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass) of wrongdoing in his dealings with South Korean lobbyist Tongsun Park.

It was, withal, a clear and, within its self-imposed limitations, balanced account.

However accurate in detail, all these stories but one, the *Star's*, failed to make clear how big the Korean story had once seemed to the press and how much the reading public might have expected from the report. As the *Star* noted: "The advance billing was for juicy revelations of congressmen for sale, bribery, sexual favors, travel and intrigue allegedly involving—by at least one account—115 congressmen." The ethics committee had wound up its investigation by formally charging only six of its present or former members with misconduct involving cash or gifts. Was something amiss? In the House? In the press?

By leading off with stories of dubious past behavior on the part of Brademas and O'Neill, the *Times* appeared to be hinting, albeit very indirectly, that their conduct was the kind no responsible committee should have exonerated. At the same time, like the *Globe* and the *Star* and the wire services, the *Times* failed to provide any context by means of which readers could

judge whether the ethics committee's fat report was merely a case of one legislative hand flaccidly washing the other or a document that merited respect, as the *Post* article suggested.

After months of sniffing, yelping, and baying, as if on the trail of a wounded behemoth, the press seemed barely capable of worrying a small bone. J.S.

Letdown after Bakke?

For weeks before the *Bakke* decision was handed down by the Supreme Court, reporters were writing and broadcasting not only about the importance of the decision itself, but also about how important, and how difficult, the coverage of the decision was likely to be. The articles, often exhortatory in tone, were a lot like the ritual clamor of football players, who, huddling just before a game, prepare for battle by yelling lustily and whacking one another on the rump.

MEDIA IS ALL KEYED UP [sic] AWAITING BAKKE DECISION squealed a headline in *The Boston Globe* just two days before the suspense was ended. Even wire-service reporters, according to the story picked up from *The Washington Post*, felt constrained to approach the *Bakke* story with unusual meditateness. "I am going to take three minutes to read the decision," said a Reuters man solemnly. "That's a long time—but this is very important."

All the yelling and rump-whacking—and the preparation—seemed to have paid off. Major newspapers, wire services, and newsmagazines gave the Supreme Court's decision in *Regents of the University of California v. Allan Bakke*, announced on June 28, all the space it required. And it demanded a great deal, for the Court's findings, all 154 pages of them, were every bit as complicated as had been expected. The Court ended up in two 5-4 splits: on whether Bakke should be admitted to the Davis Medical School (Justices Stevens, Burger, Stewart, and Rehnquist were joined by Powell in finding that he should be admitted); and on whether race could ever be used as a factor in university admissions decisions (Justices Brennan, White, Marshall, and Blackmun were joined by Powell in ruling that it could). But in neither case could a majority agree about the reasons for decision.

One test of news stories about a decision as complex, confusing, and tentative as *Bakke* is whether they reflect these ambiguities, or make the decision appear more definitive than it is. *The Wall Street Journal* shrewdly led with what the decision left alone, rather than what it changed:

The Supreme Court's long-awaited decision in the *Bakke* case leaves intact the bulk of affirmative-action programs that give special consideration to minorities and women.

An Associated Press story (as published in *The Seattle Times*) opened with appropriate caution:

The United States Supreme Court today ordered a California medical school to admit Allan Bakke, ruling that he had suffered illegal discrimination because he is white. It did say, however, that race can be taken into account in future college admissions programs.

The Boston Globe was still more precise. It led with the decision that Bakke ought to be admitted, then continued:

But the court also decided, through a different lineup of five justices, that race may be used as a factor by schools as they choose their entering classes.

The lead of *The New York Times's* story, by contrast, demonstrated the hazards of overreaching:

The Supreme Court by 5-to-4 vote affirmed today the constitutionality of college admission programs that give special advantage to blacks and other minorities to help remedy past discrimination against them.

Four justices indeed had so ruled, but the swing vote, Justice Powell, who wrote the majority opinion, had expressly rejected Davis's contention that its minority admissions program was constitutionally justified because it attempted to remedy the effects of past discrimination. (As the *Times* story itself subsequently made clear, Powell found only that the medical school had a constitutional right to take race into account in order to foster diversity in its entering classes.)

Very possibly the sheer weight and power of the *Bakke* coverage led reporters and readers alike to expect that the major constitutional questions surrounding racial preferences were settled. But this was far from true. In fact, the four justices who joined Powell in favoring Bakke's admission found in his favor not on constitutional grounds at all, but because Davis's admissions program violated the Civil Rights Act of 1964. Thus, four of the nine justices have yet to speak on the constitutional questions raised by "affirmative action" or "reverse discrimination."

In the more sophisticated later readings of the decision, it seemed that the more *Bakke* was scanned, the less it contained. "It is not clear exactly what the court decided," wrote the editors of *The New Republic*. "There was no majority for any one view." Ronald Dworkin, writing in *The New York Review of Books*, ended a cogent analysis of the contradictions he found in Justice Powell's majority opinion by concluding, "If the Court is to arrive at a coherent position, far more judicial work remains to be done than a relieved public yet realizes." It remains to be seen whether a relieved press will have the stamina to cover later Court decisions on affirmative action with the intensity and thoroughness it lavished on *Bakke*. R.C.S.

Is Capitalism Kaput?

The word "capital" goes back to the Latin *caput*, meaning "head." Unfortunately, it is pronounced like a modern German word, *kaput*, which refers to something that is broken and doesn't work anymore. Many people, not all of whom speak German, seem to believe that this accurately describes the condition of modern capitalism, nor do all of them find this prospect displeasing.

Capitalism has never been good at winning popularity contests. It has always had more practitioners than friends. One reason for this is that it is the least theoretical of all modern economic systems. Or, to put it differently, it is a system where the practice comes first and the theory comes second. Theories of capitalism are mostly descriptive: Given the chance, people tend to behave in certain ways, and capitalist theories consist mainly of attempts to analyze the results. This is in sharp contrast to the various theories of socialism, all of which undertake in one degree or another to describe how people ought to behave — and then set out to create an economic system that will oblige them to do it.

When Marx and Engels published the *Communist Manifesto* in 1848, they used a considerable portion of their rather short document to warn the world against the blandishments of (1) reactionary socialism, (2) feudal socialism, (3) petty-bourgeois socialism, (4) German or "true" socialism, (5) conservative or bourgeois socialism, and (6) critical or Utopian socialism.

Socialism had not yet been established in any country; yet there were already at least six false forms of it for Marx and Engels to warn us against. Can anyone name six false forms of capitalism?

Capitalism began, not with a mani-

festo or flag, but as a series of economic and social pressures stretched over a long period. The interconnection of these events was perceived only long after the fact, and few if any of them were popular at the time. Their combined effect was revolutionary, and like all revolutions received a poor welcome from those securely situated in the old society.

Marx and Engels, writing at the inception of communism, gave capitalism great credit for its revolutionary role in history. One passage in their *Manifesto* is especially worth examining:

The bourgeoisie, wherever it has got the upper hand, has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his "natural superiors" and has left remaining no other nexus between man and man than naked self-interest, than callous "cash payment." It has drowned the most heavenly ecstasies of religious fervor, of chivalrous enthusiasm, of philistine sentimentalism, in the icy water of egotistical calculation. It has resolved personal worth into exchange value, and in place of the numberless indefeasible chartered freedoms, has set up that single, unconscionable freedom — Free Trade.

Since the authors of this statement clearly disapprove of the "motley feudal ties" that capitalism rent asunder, why does not capitalism emerge a hero? The clue is in that one word, *unconscionable*, which means "unrestrained by conscience." Why is Free Trade unconscionable? Because it is, by definition, free — and free means unrestrained. We are in the presence of a tautology, the absurdity of which can be shown by simply calling it Unrestrained Trade instead of Free Trade; thus capitalism is guilty of engaging in unrestrained Unrestrained Trade.

This confusion lies at the heart of the conflict between contemporary economic philosophies. If trade in the sense of commercial activity is never to be totally free, then under what restraints should it be compelled to operate, and who shall impose these restraints and by what authority? If conscience is to be one of the restraints, then the question becomes: whose conscience? The answers that society, knowingly or unknowingly, decides to accept today determine the economic system under which it lives tomorrow. This is a continuous struggle among human beings: All that varies from time to time is the intensity and form of the debate.

Two hundred years ago, Jeremy Bentham and his disciples were struggling to establish the principle of utilitarianism as the only proper guide for a statesman's conscience. For all practical purposes, the Benthamites have long since won their argument; all shades of political opinion now accept—at least publicly—the proposition that the only legitimate goal of public policy is the greatest good for the greatest number of people. What was once a controversial social and political movement has now become virtually axiomatic and is simply not discussed.

This very lack of discussion, however, tends to obscure some fundamental questions. Capital, after all, is nothing but the accumulated savings from labor performed in the past—a point on which Adam Smith and Karl Marx could easily agree. So what we are continually asking is: What is to be done with those accumulated savings, how—and whether—they will be replenished once consumed, and who shall designate the decision-makers?

One solution to that problem is an institution called the marketplace. It first appeared as the *agora* in Greek com-

munities around 700 B.C. In contrast to the towns of ancient Mesopotamia, which had no formal marketplaces, the *agora* was the recognized center of the Greek cities, and it can be persuasively argued that the *agora* was the dynamic behind the seventh century upsurge of the Aegean peoples that led to classical civilization. As one historian puts it, "With a fistful of coins and an eye for the main chance, the individual had arrived in history."

It is doubtful that any marketplace has ever been completely free. The whole body of regulation by which modern societies set limits to the free play of economic self-interest implies the acceptance, either deliberate or unconscious, of moral standards by reference to which certain kinds of economic conduct are pronounced illegitimate. But even the most ardent believer in the proposition that free competition is "unconscionable" might still harbor doubt about whose conscience, exactly, is to supplant the unconscionable—unless, of course, he has become firmly convinced the conscience should be his own.

In the latter event he still has the problem of persuading the rest of us, which really amounts to moving the action from the marketplace to the political arena. The commonweal is sometimes enhanced by this maneuver, and sometimes diminished. History abundantly demonstrates, however, that people tend to pursue their own self-interest as determinedly in one arena as they do in the other, and that wherever they are free to make their opinions felt politically, some form of marketplace survives.

And where it does not, something has been lost far more precious than a theory or system of economics. It is not capitalism that is kaput, but freedom.

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The enduring voice of the Soviet dissidents

For a decade, the underground *Chronicle of Current Events* has defied the K.G.B.'s efforts to suppress its reporting on human rights in the U.S.S.R.

by JOSHUA RUBENSTEIN

The first issue of the *Chronicle of Current Events* appeared in Moscow ten years ago. Dated April 30, 1968, the title page carried the heading "Human Rights Year in the Soviet Union." Elsewhere on that page, the editor quoted Article 19 of the United Nations' Universal Declaration of Human Rights, as if to claim protection under it: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any medium, regardless of frontiers."

For months, prominent figures among the dissidents had discussed issuing a regular human-rights bulletin. By the end of 1967, appeals on behalf of two young writers—Yuri Galanskov and Aleksandr Ginzburg—who were about to go on trial for anti-Soviet agitation and propaganda were circulating in several cities. Once their trial began, on January 8, 1968, it confirmed their friends' worst fears: defense lawyers were harassed by the judge, witnesses were not permitted to give testimony favorable to the defendants, and a general atmosphere of intimidation reigned in the courtroom, reinforced by the select group of spectators who insulted defendants and witnesses alike.

On the evening of January 10, Larisa Bogoraz, a friend of the defendants, wrote an "Appeal to World

Public Opinion" on the conduct of the trial. Her draft was edited by Pavel Litvinov. It was signed by Bogoraz and Litvinov, who also added their addresses, although they did not ask for or expect any response directly to themselves. Natalia Gorbanevskaya, a colleague, typed a final draft and, in the morning, gave a copy to the Reuters correspondent in Moscow. Litvinov—the grandson of Stalin's foreign minister, Maxim Litvinov—had intended to hold a press conference, but when foreign reporters learned that Reuters had a copy of the appeal, they backed off and instead stood outside the courthouse with the defendants' supporters who were not permitted to enter.

The trial lasted one more day. On the 12th, the defendants were pronounced guilty and sentenced: Galanskov received seven years in a labor camp, Ginzburg received five years.

Their trial gained notice within the Soviet Union because the appeal by Bogoraz and Litvinov was broadcast in Russian by the BBC. For weeks, Litvinov received hundreds of letters voicing support for his efforts and indignation over the trial's procedures. The regime was slow to react; at first, it only blocked his mail from abroad. In addition, the Moscow inquiry office informed curious citizens that neither Bogoraz nor Litvinov existed. (There are few telephone directories in the Soviet Union. In Moscow, people stop by an inquiry office to find a number or an address. Litvinov once inquired about himself and received notification of his own nonexistence. The official slip was later confiscated during a search.) But visitors found them anyway. People came from the Baltic states and the Ukraine, anxious to tell their pathetic stories. They hoped that Litvinov, whose name carried authority, might be able to help them.

A Baptist came, telling of his family's persecution. Ukrainian nationalists brought stories of attacks on their culture and heritage. An old Jewish woman from one of the Baltic states knocked on his door. She wanted to go to Israel; she had once approached the Israeli embassy only to be stopped and beaten by the police. For Litvinov, her dream seemed absurd. Like most Moscow intellectuals, he admired Israel's deter-

Joshua Rubenstein is New England coordinator of Amnesty International, USA. As part of his research for a book on the history of the Soviet human-rights movement, he interviewed former editors of the *Chronicle of Current Events* who are now living in Europe, Israel, and the United States.

Right: a typical onion-skin issue of the *Chronicle* and (insert) the *Chronicle's* first editor, Natalia Gorbanevskaya

БОЛШАЯ ЗАПРАВА ЧЕЛОВЕКА В СОВЕТСКОМ ОБЩЕСТВЕ

"Каждый человек имеет свободу убеждений и их выражения. Это право не подлежит свободе безспиритственно и не подлежит спору убеждений и свободу искать, получать и распространять информацию и идеи любыми средствами и независимо от государственных границ".

Всеобщая декларация прав человека, ст.19

ХРОНИКА ТЕКУЩИХ СОБЫТИЙ

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Содержание: Суд над ЛАНДОЙ - Суд над БЕТУНОМ - Суд над ПАВЛАШУ - Суд над РУДЕНКО и ТИХИМ - Группы "Хельсинки" под следствием - Аресты, обыски, допросы - События в Литве - Преследования верующих - Право на выезд - В тюрьмах и лагерях - После освобождения - В ссыльных больницах - Внесудебные преследования - Фонд помощи политзаключённым - Письма - Обсуждение проекта Конституции - Независимые новости - Новости Самиздата - Процесс Поправки и дополнения



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ПРОКУРАТУРА И ПРОВОДНИКИ ОБЩЕСТВЕННОГО МНЕНИЯ

mination to survive, especially during the Six-Day War. But emigration seemed too outlandish a hope.

Litvinov did not know what to do with all this information. He took notes on each visitor, passed them to his friends, pondered over which story would appeal to a journalist. Although most of the information was hardly surprising, much was new and, in a way, startling, for it reflected a malaise and ferment in Soviet society that even he, a central and energetic figure among Moscow's nonconformist intellectuals, had not yet recognized.

One visitor was Ivan Yakhimovich, the chairman of a collective farm in Latvia. After hearing the appeal on the foreign radio, Yakhimovich wrote a letter to the Central Committee, protesting the trial of Ginzburg and Galanskov. Copies of his letter circulated in Moscow and soon found their way abroad where it, too, was read over the radio. The K.G.B. invited Yakhimovich for a chat and explained to him that Litvinov and Bogoraz had not signed any appeal and that the appeal was actually an invention of the BBC. Yakhimovich came to Moscow to learn if Bogoraz and Litvinov really existed.

In Moscow, the dissidents were overwhelmed by these events. More than a thousand people had signed protests against the Galanskov-Ginzburg trial, among them Yakhimovich, who would soon be expelled from the Communist party, then relieved of his *kolkhoz* responsibility. In addition, reports were beginning to come from Czechoslovakia, vague rumors, then substantial evidence of reduced censorship, demonstrations, and a new, euphoric mood of freedom. Sometime that winter, Natalia Gorbanevskaya decided to begin the *Chronicle of Current Events*.

Born in 1936, Gorbanevskaya attended Moscow University during the early years of Khrushchev's rule. Some of her friends produced a wall newspaper, commenting on literary and artistic issues and works, such as Dudintsev's novel *Not by Bread Alone* and the Picasso exhibit in 1956, both of which generated much excitement and controversy. But the invasion of Hungary in 1956 affected their hopes and activities. Her friends were expelled from the university for opposing the invasion. Two years later, other friends were caught circulating leaflets. For three days Gorbanevskaya was interrogated in Moscow's Lubyanka prison. At first, she admitted nothing, but after a day, frightened by her interrogators, she gave some testimony on the anti-Soviet mood of the leaflets. Released from prison, expelled from the university, she considered herself an unreliable person, one who ought not to know information that might compromise other people.

Tired of politics, she devoted herself to poetry. By the end of the 1950s, *samizdat* (underground material copied and passed on to friends) was beginning to circulate. At first, it was mainly poetry, of Pasternak, Akhmatova, a few poems of Mandelstam and Tsveta-

eva, not even reproduced with a typewriter but copied by hand from old books. There were poetry readings, too, at youth clubs, even at Komsomol meetings. At one reading, Komsomol members denounced the poetry as "nihilism" and "modernism." Surprisingly, a young man spoke in defense of the poets. It was Yuri Galanskov. Gorbanevskaya met him that night. Later, he included some of her poems in the first issue of his anthology, *Phoenix*. By then, too, he had introduced her to his friend Aleksandr Ginzburg, who was preparing another collection of underground poetry, called *Syntaxis*. Ginzburg had already compiled three issues of what is today remembered as the first *samizdat* journal. Gorbanevskaya was helping him with the fourth issue when Ginzburg was arrested for the first time in 1960.

With this background, it was natural for Gorbanevskaya to become active in the democratic movement. In 1965, a former teacher of hers at Moscow University, Andrei Sinyavsky, was arrested, along with Yuli Daniel, for publishing stories and essays abroad under the pseudonyms Abram Tertz and Nikolai Arzhak. Their arrest and trial generated the initial acts of open protest. Gorbanevskaya's friend Aleksandr Ginzburg, who had returned from a labor camp, compiled the transcript of their trial, together with articles from the Soviet press and letters of protest to the authorities. Those who helped Ginzburg were soon arrested, provoking a new round of demonstrations, new arrests, and renewed protest. Pavel Litvinov collected information on two more trials and in 1968, just when Gorbanevskaya was preparing the first issue of the *Chronicle*, Litvinov was compiling a mass of material surrounding the Galanskov-Ginzburg trial itself.

The first issue of the *Chronicle* reflected the straightforward, dispassionate approach that Ginzburg and Litvinov had developed for their reports of earlier trials. Litvinov, especially, had been influenced by the ideas of Aleksandr Esenin-Volpin, a mathematician and leading figure among Moscow's dissenting intellectuals. It had been Esenin-Volpin who initiated the first demonstration on behalf of Sinyavsky and Daniel, on December 5, 1965—Soviet Constitution Day—in Pushkin Square. Demanding an open trial, Esenin-Volpin instructed his friends on how to behave. He himself carried a small placard reading "Respect the Constitution," challenging the regime to honor its own written laws. This call for *glasnost*, for openness not only in judicial matters but between government and society generally, became a fundamental theme of the human-rights movement, one nowhere better exemplified than in the pages of the *Chronicle*.

For the first issue Gorbanevskaya concentrated on the aftermath of the Galanskov-Ginzburg trial. She worked with a pile of index cards; each one listed the name of a person who had signed an appeal, along with information about the regime's reprisals for this protest: "chats" with the K.G.B., dismissals from employment, expulsions from the party. Gorbanevskaya

also reported on how she herself and Esenin-Volpin were forcibly interned in psychiatric hospitals for their part in the protests:

Without any warning and without her relations' knowledge, Gorbanevskaya was transferred on February 15th from maternity clinic No. 27, where she was being kept with a threatened miscarriage, to ward 27 of the Kashchenko hospital. The decision to transfer her was taken in consultation with the duty psychiatrist of the Timiryazev district, and the transfer was said to have been motivated by the patient's requests to be discharged. On February 23rd, Gorbanevskaya was discharged from the Kashchenko hospital as the psychiatrists admitted she was not in need of treatment.

Esenin-Volpin faced a harsher reprisal. He was taken from his home and spent nearly three months in psychiatric hospitals. As the *Chronicle* reported, nearly a hundred of the country's most eminent mathematicians appealed on his behalf but they succeeded in gaining only limited improvement in his situation. He was moved from a ward of petty criminals to a quieter ward in a different hospital before finally being released.

The first issues of the *Chronicle* passed almost completely unnoticed. Its stories of arrests and dismissals were not news to most dissidents, especially in Moscow, where news of repression traveled quickly. The K.G.B. paid it little attention. Moreover, that spring and summer there were too many fresh and important items in other *samizdat* publications for people to notice a collection of familiar stories. Accounts of labor camp life and reports from Czechoslovakia took priority. Then, in June, Andrei Sakharov's first memorandum on "Progress, Coexistence, and Intellectual Freedom" began to circulate. Sakharov was a member of the Soviet Academy of Sciences and the designer of the Soviet hydrogen bomb. Never before had such a distinguished member of the Soviet elite voiced opinions so similar to those of the dissidents. His memorandum was the first public step on the long, difficult career of dissent he later assumed.

For Sakharov and all the dissidents, the invasion of Czechoslovakia deflated their hopes for liberalization. For many, it marked the end of activity for internal reform while the idea of emigration took on greater urgency. For Gorbanevskaya and a small group of her friends, the invasion could not continue without a public protest. At noon on August 25, 1968, she and seven others stood silently in Red Square, holding banners and Czech flags. They were all arrested, but Gorbanevskaya, the mother of two young children, was released within a day.

Still, she expected arrest. She also felt guilty, for her friends remained under arrest for a demonstration that, at the time, seemed utterly useless. The third issue of the *Chronicle* was almost ready, but, afraid of a search, she gave the material to a friend who had agreed to prepare the final draft. Her arrest did not come for more than a year. During that time, she continued to produce the *Chronicle* every two months, as



Soviet plainclothes police arrest Anatoly Jacobson, later a *Chronicle* editor, in December 1969.

well as to compile material on the August demonstration and the trial of the participants.

By the end of 1968, the *Chronicle* was a central part of the dissidents' struggle. Gorbanevskaya no longer worked on it alone. Her friends collected information and passed it to her. Pavel Litvinov had traveled to Leningrad for information on a trial in June. She herself would go to Riga to learn about events in the Baltic states. From Kiev, Leonid Plyushch brought reports to Moscow. From Novosibirsk, Obninsk, and Leningrad there were regular channels of information to the capital. Reproduced on typewriters, eight copies at a time, the *Chronicle* spread increasingly throughout the country as friends supplied copies to friends. So the anonymous editors issued these instructions:

The *Chronicle* is in no sense an illegal publication, and the difficult conditions in which it is produced are created by the peculiar notions about law and freedom of information which, in the course of long years, have become established in certain Soviet organizations. For this reason the *Chronicle* cannot, like any other journal, give its postal address on the last page. Nevertheless, anybody who is interested in seeing that the Soviet public is informed about what goes on in the country may easily pass on information to the editors of the *Chronicle*. Simply tell it to the person from whom you received the *Chronicle*, and he will tell the person from whom he received the *Chronicle*, and so on. But do not try to trace back the whole chain of communication yourself, or else you will be taken for a police informer.

The K.G.B. was now anxious to stop the *Chronicle*.

Under increasing pressure and threat of arrest, Gorbanevskaya looked for a new editor. Galya Gabai, a Moscow schoolteacher, seemed ready to help. She and her husband, Ilya, had already helped Gorbanevskaya compile and reproduce several issues. When her husband was arrested in May 1969, Galya followed him to Tashkent, where the investigation and trial took place. Her reports then appeared in several issues of the *Chronicle*. With this experience, Gorbanevskaya asked Galya to put together forthcoming numbers.

By this time, Gorbanevskaya and her colleagues were relying on Pyotr Yakir to help them gather information. Yakir, the son of General Iona Yakir, who was killed in the army purges of 1937, was arrested then at the age of fourteen and spent seventeen years in prisons and labor camps. Released after Stalin's death, he made a career as an anti-Stalinist, delivering lectures at factories and institutes on the excesses of the dictator's regime. Well-known, seemingly fearless,

the son of a now heroic army general, Yakir was a beloved figure among the dissidents. Visitors came to him day and night, left notes in his mailbox, picked up copies of the latest *Chronicle*. At the same time, though, his weaknesses, of character and temperament, made him vulnerable and not altogether reliable. He drank excessively; he had a stark fear of violence to himself and his family. When the demonstrators went to Red Square in August 1968, Yakir was supposed to join them. He told everyone he was detained by the police; in reality, he had taken fright and gone home.

Gorbanevskaya warned Galya Gabai not to tell Yakir that she was to continue the *Chronicle*. Galya, though, could not accept this advice. For her, Yakir was an exemplary figure. Yet when she told him she also cautioned him that if anyone besides him and Gorbanevskaya learned of her activity she would stop her work on the *Chronicle*. For Galya, with her husband in a labor camp, was the only person who could visit him and bring food packages. Were she to be arrested, Ilya, too, would suffer.

Galya prepared the tenth issue of the *Chronicle* in the fall of 1969. But she did not feel secure. Once, on a bus, a person she scarcely knew handed her a small package of paper. "For the *Chronicle*," he whispered. Immediately, Galya feared that the K.G.B., too, must know of her involvement. In December, agents visited her apartment. She was preparing dinner; material for the *Chronicle* was piled in her kitchen. When they knocked on her door, she threw the papers into the *borsch*. Throughout the search, a friend calmly stirred the soup.

Gorbanevskaya had to prepare number eleven from scratch. She was also anxious to find a replacement for Galya. Most people were afraid to take the *Chronicle* on themselves. One friend did seem willing to help. He was to come one evening to talk with her. That afternoon, though, Gorbanevskaya was arrested. Several friends were with her in the apartment. With her eyes, she called their attention to her winter overcoat. Gorbanevskaya left in a light jacket. In the pocket of her coat her friends found material on hunger strikes in the Mordovian camps. It had reached her in the night before her arrest. Accused of compiling the *Chronicle*, she was kept in a mental hospital for nearly two years. The K.G.B. thought it had stopped the *Chronicle*. It had not. The *Chronicle* was now in other hands.

For two years more it managed to appear every two months. Each issue reflected the growth of the human-rights movement as a whole, and its ability to collect information and attract the attention of groups in outlying republics. With its numerous sources of information, the *Chronicle* reflected a far more complex and intriguing society than the contented, bland monolith depicted in the official press. (Even a high Soviet official once complained in the party magazine *Kom-*

On prisons and camps

The following extracts are taken from the English translation of the *Chronicle of Current Events*, number 46. They are reproduced here as a representative example of the *Chronicle's* reportage.

In January [1977] none of the political prisoners was put in the cooler.

On 20 February **Bondar** got 15 days in the cooler for refusing to share a cell with Konstantinovsky, then an extra 12 days for 'microwriting' and for his statement to the Central Committee about Bukovsky.

On 24 February **Abankin** got 15 days for communication between cells, and an extra 12 days for using insulting expressions about the administration.

On 25 February **Afanasev** got 10 days for 'microwriting'.

On 28 February **Trufanov** got 15 days for the memoirs he had written in his cell.

On 3 March **Makarenko** got 15 days for trying to pass on a note during a visit, and an extra 12 days for complaining.

On 4 March **Safronov** got 15 days and **Superfin** 12 days for communication between cells.

At the beginning of April **Konstantinovsky** got 10 days for not standing up when a prison official entered the cell.

On 5 April **Balakhonov** got 15 days for 'microwriting' containing 'libelous material'.

On 9 April **Abankin** got 15 days, again for insulting the administration, plus 12 days for telling stories about his childhood, plus 15 days for violating the regime regulations (it was not stated which regulations).

* * *

Ivan Svetlichny, who was working as a fireman during the last part of his term in camp 35, was deprived of invalid status after his transfer to camp 36 (because of a childhood accident, he has fingers missing on both hands) and sent to work in the workshop. Here he has to drag heavy boxes about and do other work he is not capable of. He is punished for not fulfilling the norm. Some political prisoners have demanded that Svetlichny should have his invalid status restored and be given light work. . . .

munist about the dullness of the country's papers, writing: "Before me are issues of several provincial papers published on the same day. . . . If it were not for the masthead . . . any one of the papers could be substituted for another and neither the reader nor the staffs themselves would notice."

For years, the Crimean Tatars had agitated for the right to return to the Crimea, from which they had been expelled to Central Asia in 1944. The *Chronicle* now carried articles on their history and struggle, often referring readers to the Crimean Tatars' *Information Bulletin*. The activities of Ukrainian nationalists, Zionists, Lithuanian Catholics, and Uzbeks found their way into the *Chronicle*, under sections with special headings like "The Jewish Emigration Movement" or "Persecution of Believers." Throughout its pages, the *Chronicle* maintained a judicious tone, even when it spoke of groups like the anti-Semitic and fascist Fetisov circle in Moscow, whose critique of the regime was abhorred by the *Chronicle*'s editors. When the leaders of the group were sent to mental hospitals, the *Chronicle* commented that "to express satisfaction over the fact that the authorities have sent your intellectual opponent to a 'nut house' is immoral."

Although the *Chronicle* has focused its attention on "current events," other matters which relate directly to Stalin's legacy are also mentioned. Occasionally, notes appear on the purge trials of the 1920s and 1930s. The struggle of the Crimean Tatars and other national minorities, the ideological constraints on science, the backward state of Soviet agriculture, all reflect the inability of the present regime to come to terms with its own past. But while these and other problems permeate the entire society, they gain no attention in the official press. Only the *Chronicle* and other *samizdat* material carry information about them.

The principle goal of the *Chronicle* has been to challenge the regime's monopoly on information. So it has been eager to report on a wide range of nonconformist activities, involving everyone from anti-Stalinist Marxists to liberal reformers and evangelical Christians. But the *Chronicle* avoids commenting on its own reports, wishing to stand apart from the ideological tensions that arise among the dissidents themselves. Consequently, it is not a useful source of information for the debates—on détente, emigration, or the future of Russia—that have shaken the dissident community.

In 1974, for example, in the midst of increased repression, three leading figures—Aleksandr Solzhenitsyn, Roy Medvedev, and Andrei Sakharov—engaged in a polemical debate over détente. Its contours reflected long-standing attitudes toward Russian history, its relation to the West, and the future Russia should seek. Although speaking for himself, often through articles that appeared in the West, each writer represented the views of a substantial group of dissidents. Many people responded on their own, attacking, supporting, circulating a flurry of essays in *samizdat*. While the *Chronicle* occasionally mentioned their

appearance and described their contents, it paid little attention to the whole debate. At the same time, by not commenting on these and other issues, the *Chronicle* gained the confidence of diverse groups. For in a society where genuine information is precious and tolerance is rare, the *Chronicle* has tried hard to avoid compromising the integrity of its reports with editorial comment.

With its growth (by the early 1970s, the *Chronicle* included reports from all parts of the country and had increased in size from about fifteen pages to more than fifty pages), the *Chronicle* became a primary target of the K.G.B. People found with it in their homes faced serious reprisals. In order to produce it, the dissidents made special arrangements. Under the direction of Anatoly Yacobson, a literary critic who now lives in Jerusalem, the *Chronicle*'s editors and compilers gathered every two months in a different apartment. They were careful to choose hosts who never signed appeals so that the K.G.B. would not be likely to conduct a search there. For three, sometimes four days, the editors stayed inside, rewriting material, organizing it, and typing it. Once, some activists secured the use of a printing press, but only one issue was reproduced on it. It was too dangerous and there was no particular need for it. More important, use of a press violated the spirit of the enterprise. For the *Chronicle*, like all *samizdat*, is not merely a pragmatic alternative in a country where information is severely restricted. Reproducing the *Chronicle* on a typewriter underscores its idealistic nature, which the dissidents did not want to diminish.

In 1972, the K.G.B. was ready to launch a major crackdown on the *Chronicle*. The dissidents believe that the regime decided at a special high-level meeting on December 30, 1971, to eliminate the *Chronicle* and two other *samizdat* journals, the *Ukrainian Herald* and the right-wing, nationalist *Veche*. Between January and May, hundreds of searches were carried out in Moscow, Leningrad, Vilnius, and Novosibirsk. Many activists were arrested in an attempt to break up the network of contacts. In the Ukraine alone, more than a hundred people were arrested. For the first time, an issue of the *Chronicle*, number 27, dated October 15, 1972, appeared more than two months after the previous one, which had come out in July.

The most threatening aspect of the crackdown, however, emerged with the arrests of Pyotr Yakir and the economist Viktor Krasin. Both men had survived Stalin's labor camps when they were younger. Now, isolated and threatened with execution, they began to give evidence against their colleagues. On November 4, 1972, Yakir's daughter was allowed to visit him. The *Chronicle* later reported:

According to P. Yakir, he has changed his attitude toward the democratic movement and his own activity. His active cooperation with the investigators has become clear. According to what Yakir said, the material presented to him by

the investigators has convinced him of the tendentious character and objectively harmful position of the *Chronicle of Current Events* and of the presence therein of factual inaccuracies and even direct distortions. He also declared that each future issue of the *Chronicle* would make his and Krasin's eventual prison terms longer, and that as each *Chronicle* appeared new arrests would result. The investigators confirmed the latter statement, pointing out that those arrested would not necessarily be those directly participating in the publication of the new issue.

The dissidents were not sure how to respond. Some were willing to publish the *Chronicle* and face the consequences for themselves. Others argued that publication would have to be interrupted, for no one had the right to endanger other people. It was feared that Anatoly Yacobson, who was no longer editing the *Chronicle*, would be arrested and held responsible for the next issue. In other words, to increase the moral pressure the authorities seemed willing to arrest someone who was not directly involved. Faced with this threat, the dissidents backed down. The *Chronicle* did not appear again until May 1974.

Many in the West wondered if the editors were among those arrested. At the beginning of 1973, at the initiative of Khronika Press in New York, a counterpart to the *Chronicle*, entitled *A Chronicle of Human Rights in the USSR*, was begun. In the spring of 1974, the editors, who now included Valery Chalidze, a prominent dissident living in New York, received a barely legible text from Moscow. In it, the *Chronicle* announced a correction to an article published three years earlier. A prisoner named Baranov had been shot and reportedly killed when he threw himself against the camp's barbed wire. In reality, "he received three firearm wounds: one in the chest and two more, probably in the legs. The wounds were not fatal—Baranov survived."

The editors apologized for this "unintentional error which resulted from the extraordinarily complicated conditions of receiving information from penal camps." They urged that the correction be published, for the earlier report of Baranov's death was now regarded by the K.G.B. as "deliberately false and slanderous" and a basic charge against the *Chronicle*.

On August 27, 1973, Yakir and Krasin went on trial for "anti-Soviet agitation and propaganda." They admitted their guilt and expressed repentance for their involvement in anti-Soviet activity. One witness, the psychiatrist Dr. Andrei Snezhnevsky, informed the court of his embarrassment, during international conferences, over reports in the *Chronicle* that healthy people were kept in Soviet mental hospitals because of their political ideas. Snezhnevsky assured the court that no such practices occurred. A week after their trial, the defendants appeared at a news conference with foreign journalists and repeated their belief that information in the *Chronicle* was "libelous." Part of the conference was broadcast over Soviet television.

For a time, the human-rights movement appeared to

be broken. Many activists were in prison; others had been forced to emigrate. In addition, the authorities tried to compromise those who were still at large. In January 1974, three Moscow dissidents—Tatyana Velikanova, Sergei Kovalyov, and Tatyana Khodorovich—issued a public statement in which they described the regime's attempt to buy their cooperation. If they would remain silent, a friend in prison would have things easier, or even be released. But both the prisoner and his warrantor must remain silent. The three dissidents rejected the offer and vowed not to cooperate with this "hostage system."

In May they took an even bolder step. At a press conference held in the apartment of Andrei Sakharov, Velikanova, Kovalyov, and Khodorovich handed issues 28, 29, and 30 of the *Chronicle* to Western correspondents. At the same time, they made the following statement:

As we do not consider, despite the repeated assertions of the K.G.B. and U.S.S.R. court instances, that the *Chronicle of Current Events* is an illegal or libelous publication, we regard it as our duty to facilitate as wide a circulation for it as possible.

We believe it is essential that truthful information about violations of basic human rights in the Soviet Union should be available to all who are interested in it.

Ten days later, number 31 also appeared. Issued on the thirtieth anniversary of the expulsion of the Crimean Tatars from their homeland, it consisted entirely of material on their persecution and their struggle to return. From the material in these four issues, it was obvious that while the *Chronicle* had not appeared for nearly two years, information was being routinely collected and edited.

The authorities could not ignore the revival of the *Chronicle*. At the end of December 1974, Sergei Kovalyov was arrested. A distinguished biologist whose work on the electrophysiology of muscles and the control of the heartbeat had earned him an international reputation, Kovalyov had been an active and well-known figure among the dissidents. The regime blamed him for the revival of the *Chronicle* and accused him of contributing material to the *Chronicle of the Lithuanian Catholic Church*, a samizdat journal modeled directly on the *Chronicle of Current Events*.

Kovalyov's trial, held in Vilnius, Lithuania, began on December 9, 1975, the day before Andrei Sakharov was awarded the Nobel Peace Prize in Oslo. Sakharov, however, was outside the Vilnius courthouse, trying in vain to enter. From others who managed to attend we know that the prosecution made an attempt for the first time, however falsely and under procedures that were obviously rigged, to show the libelous character of the *Chronicle*. Doctors were brought from prison hospitals to contradict allegations in the *Chronicle*. Kovalyov, however, was not permitted to cross-examine them fully and the court would not allow him to call witnesses, such as the wife of Leonid Plyushch,

who could corroborate information in the *Chronicle* that was under dispute. Kovalyov was convicted of anti-Soviet agitation and sentenced to seven years in a labor camp to be followed by three years of internal exile.

Since the revival of the *Chronicle* in 1974, it has become increasingly unlikely that the regime will take measures to suppress it completely. The scale of repression that would be required is simply beyond the ability of the K.G.B. to accomplish without disrupting the country's intellectual and scientific communities. For, as each new issue demonstrates, the *Chronicle's* sources of information extend to the most remote areas of the provinces, as well as to institutes of higher learning and upper echelons of the party and government. (Recent issues have been close to 200 pages long.) Many people who have never signed appeals now supply information on a regular basis to the *Chronicle*. The regime and perhaps even the *Chronicle's* editors do not know their identities.

Furthermore, its network of readers would be too difficult to unravel. For a time, especially in the beginning, the *Chronicle* relied on contacts made in the labor camps in order to know who in other cities would be interested in such information. Without these con-

Current and back issues of the *Chronicle of Current Events* in English are available from Routledge Journals, 9 Park Street, Boston, Mass. 02108. A compilation of the first eleven issues was published in Peter Reddaway's *Uncensored Russia: Protest and Dissent in the Soviet Union*, American Heritage Press, 1972. Since 1974, Khronika Press, 505 Eighth Avenue, New York, N.Y. 10018, has been publishing the *Chronicle* in Russian.

tacts, dissidents in one city or within one circle of acquaintances would be hard-pressed to meet other people with similar ideas. Now that isolation has been overcome. And the regime will not easily find another Yakir or Krasin who knows so much and could be broken into betraying his friends.

Finally, the *Chronicle* is no longer the primary target of the K.G.B. In the past year, the Helsinki Observer Groups in Moscow, Kiev, Vilnius, Tbilisi, and Erevan have drawn the most attention. Their reports on violations of the Helsinki Accords (much of the information is also summarized in the *Chronicle*) seemed too threatening for the regime to ignore. Members of the groups publicly announced their participation and signed the reports. Most have either been arrested or permitted to emigrate. In the camps, too, the regime faces a continuing campaign among its political prisoners. As the *Chronicle* has reported, prisoners in labor camps and prisons are demanding that their status be distinguished from that of common criminals, that forced labor be eliminated, and that contacts with their relatives not be disrupted at the whim of the jailers.

Highlighted by hunger strikes and petitions that reach Moscow, news of these protests, too, makes its way to the West.

Despite this intense level of nonconformist activity—which is punctuated every year with the appearance in the West of novels and books from authors who write and live in the U.S.S.R.—Western observers periodically report on the collapse of the Soviet human-rights movement. For some, its seeming lack of contact with workers spells its doom. For others, the arrest or expulsion of prominent dissenters means the movement will be left helpless, without leaders to guide it.

The history of the *Chronicle* belies such conclusions. Dissent in the Soviet Union is not provoked by Western propaganda nor dependent on broadcasts by foreign radio stations. It is a natural reaction to life there—a part of the fabric of society itself. Under Stalin, dissent could not be expressed publicly. But as we know now from those who survived his labor camps, there were myriad groups of people—students, Marxists, party members—who shared their thoughts with one another, were caught, and then imprisoned. The classics of nineteenth-century Russian literature provoked a moral awakening in many people. Even the works of Marx and Lenin—which everyone is encouraged to read—can bring a person to realize that the speeches of a Stalin, a Khrushchev, or a Brezhnev do not coincide with the reality of Soviet life.

After decades of official hypocrisy, mass repression, and isolation, it is not surprising that, once the terror itself abated, a movement dedicated to simple justice and truth should arise. The *Chronicle* has been the voice of that movement. When it emerged ten years ago, other, more compelling events were occurring, in France, in Czechoslovakia, and in the United States. Only the *Chronicle*, however, has managed to survive and mature with its original values intact. As it continued to appear, its style grew more confident and expansive; in recent issues it has even attained a unique eloquence, in spite of its objective manner and complete lack of rhetorical excess. Other journals, like Herzen's *Bell* and Lenin's *Spark*, played major roles in the seismic shifts of Russian history. Both were produced in Western Europe, then smuggled into the country. Both reflected the circumstances of czarist rule, the importance of an emigré community enamored of Russia and the debate over her future. While today's human-rights movement has similar preoccupations, the violence of Soviet history has led the dissidents to reject the politics of conspiracy and extremism that marked dissent under the czar. Instead, the movement has transformed the climate of Soviet intellectual life and the manner in which Russia is perceived abroad in a way no better exemplified than in the growth and achievement of the *Chronicle of Current Events*. ■

A new Communications

Will the new charter for broadcasters leave the public virtually speechless?

by MEL FRIEDMAN

“We are not talking about intervention in programming; we are talking about a revolution in the United States roughly equivalent to the Industrial Revolution of the nineteenth century. While this country undoubtedly leads the world in the development of communications technology, it is not the leader in the application of the technology.” Addressing a 1977 conference of television programming executives, Representative Lionel Van Deerlin was talking revolution—and he meant it.

In 1976 the California Democrat, who is chairman of the U.S. House of Representatives Communications Subcommittee, had announced his intention of updating the nation's woolly communications laws. He questioned, among other things, their relevance to a universe of rapid technological and scientific advances. The organic structure of federal regulation had not undergone any serious modification in more than forty years. This meant, for example, that major breakthroughs such as cable TV, microwave and satellite transmissions, and laser-based fiber optics have had to be accommodated within a congressional statute—the Communications Act of 1934—whose original language did not even mention television.

By early 1977, the rewrite process—which contemplated a full-

scale audit of all regulations governing commercial and public broadcasting, cable TV, and common carriers, as well as those fixing the powers of the Federal Communications Commission—was already underway. Ripples of concern, even fear, spread through the more than 8,000 commercial radio and television stations across the country. While most licensees never considered the Communications Act of 1934 to be an un-mixed blessing, it was at least a known entity. A radically revised statute was replete with real or imagined demons. A comment by William A. Leonard, then CBS Inc.'s Washington, D.C. vice-president, summed up industry misgivings. If the old law was outmoded, he said, so was the U.S. Constitution. He added: “We should be in no hurry to re-invent the wheel, particularly when that wheel serves us well—not perfectly, but well.”

Van Deerlin and staff were not to be dissuaded by such critics of radical change. In his speech last year to the television programmers, the one-time San Diego television newscaster added a few more hints as to his staff's underlying objectives. “All we're trying to do,” he explained, “is to rewrite the legislation to assure the consumer that [the benefits of technology] will be available to him at the lowest cost.” Ideally, he believed, freeing the suppliers of communications services—whether cable TV operators or A.T. & T.—from unnecessary or imprudent government regulation would ultimately promote First Amendment goals. A wide array of flourishing communications systems would be able to compete more effectively in the marketplace to satisfy the public's diverse programming needs. At these thoughts, the wraith of Adam Smith, long banished from what former F.C.C. Commissioner Nicholas Johnson has called the “regulated monopoly” of the airwaves, appeared in the wings.

On June 7 of this year, amid great ceremony, Van Deerlin and Representative Louis Frey, Jr., the ranking Republican member of the Communications Subcommittee, finally unveiled H.R. 13015, a bill “to establish certain requirements relating to interstate and foreign telecommunications, and for other purposes.” The draft legislation—entitled the “Communications Act of 1978”—touched all aspects of modern radio, television, and nonbroadcast (cable, telephonic, telegraphic, and laser optical) communications, and it made a frontal assault on the fundamental concepts and organizational structure of federal communications regulation.

Staunchly upholding the principles of maximum deregulation, maximum competition, and minimum control, it declared in its preamble that congressional intervention in the telecommunications field was mandated only “to the extent marketplace forces are deficient.”

This was a far cry from the watchwords of the existing act, which subordinated the private interests of licensees to that of the “public interest, convenience, and necessity.” That phrase, borrowed from ancient public utility legislation, has been known as the “public interest” standard. It appears throughout the 1934 enactment, and for close to fifty years it has been used by the courts, regulatory agencies, and, recently, various consumer and citizens' groups to compel station owners to accept some larger civic accountability for their trust. Now that language was absent from the committee draft. With the ink hardly dry on its 217 pages, and with hearings on its major titles scheduled for the months of July through September, H.R. 13015 was already eliciting passionate, and often bitter, reactions.

To understand its import, the major provisions of the proposed Com-

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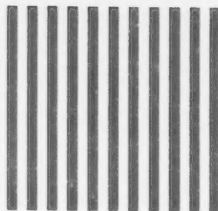
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Act: the debate begins

munications Act of 1978 must be outlined. Briefly, they include the following:

- Repeal of the Communications Act of 1934 and the Communications Satellite Act of 1962.

- Reconstitution of the seven-member Federal Communications Commission as a five-member Communications Regulatory Commission (C.R.C.) with sharply curtailed powers. Extension of the tenure of presidentially appointed commissioners from seven to ten years, with reappointments barred. Stricter conflict-of-interest rules. Creation of an office of Consumer Assistance to act as public ombudsman.

- Rescission of all but the technical regulations governing radio broadcasting (including the application of the fairness doctrine and "equal-time" rules). Granting of indefinite licenses (as opposed to current franchises which must be renewed every three years).

- Extension of TV license terms initially from three to five years, to become indefinite after ten years. Replacement of fairness doctrine with rules requiring "equitable" treatment of controversial issues and editorial coverage of news, public affairs, and locally produced programming "throughout the broadcast day."

- Suspension of "equal-time" rules for TV in all national and statewide election campaigns.

- Establishment of a license fee to be differentially assessed against all commercial users of the spectrum and to be phased in over a ten-year period. Proceeds to be paid into a newly created Telecommunications Fund to be administered by the Treasury Department. Funds to be used to pay for C.R.C. operations; public broadcast programming; minority ownership of stations; and development of rural telecommunications services.

- Limitation on the maximum number of stations an entity may own

from present fourteen radio (seven AM and seven FM) and seven TV (five VHF and two UHF) to ten (five radio and five TV). Incumbent multiple-owners permitted to "grandfather" holdings, obviating divestiture. Use of lottery system to allocate among competing applicants licenses that come up for grabs.

- Deregulation of cable TV at federal level. Removal of restraints upon entry of A.T. & T. into telecommunications field in exchange for divestiture of Western Electric, its equipment-manufacturing arm.

- Replacement of the Corporation for Public Broadcasting with a pri-

**“
The draft legislation
made a frontal assault
on the fundamental
concepts of
federal communications
regulation
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vate nonprofit corporation, the Public Telecommunications Programming Endowment. Prohibition of corporate underwriting of public broadcasting. Creation of an independent policy-making body, the National Telecommunications Agency, in the executive branch.

- Retention of prohibition against government censorship of program content.

Broadcasting, the leading industry trade publication, at first blush termed the bill "a deregulator's dream." But soon differences of opinion began to emerge. After meeting with Van Deerlin and several subcommittee staffers in July, for example, James Gabbert, president of the National Radio Broadcasters Association, lauded the plan as "the best thing that ever happened to ra-

dio." However, the National Association of Broadcasters, the biggest of the electronic communications lobbies with over 5,000 member radio and television stations, expressed strong reservations. For one, the bill posed a serious tactical problem: whose interest to serve? In singling out radio and television for separate treatment, the rewrite had, in effect, divided N.A.B. loyalties and strained its ability to speak with one voice. For another, in the proposed spectrum-use fee, the measure posed an economic threat.

In elaborating upon his draft legislation, Van Deerlin had linked deregulation and the license tax: you couldn't have one without the other. This was in keeping with his overall view of the legislation as an agenda of tradeoffs. Yet, it was precisely this approach that bothered the N.A.B. Loosening of federal restrictions upon radio and television—especially repeal of the despised fairness doctrine and "equal-time" rules—had long been among the organization's most cherished goals. But the spectrum-use fee was a hard price to pay. The subcommittee chairman had estimated that the Telecommunications Fund, when fully operational, would take in between \$350 million and \$450 million annually. Of that sum, about \$50 million would go to budget the new regulatory commission, replacing all congressional appropriations; \$200 million to develop public broadcast programming; and \$100 million collectively to stimulate minority ownership of stations and improve rural telecommunications.

Draft model fee schedules, released by the staff in late July, gave a clearer picture of how the contributions might break down. Under the working formula, a small commercial radio station would be expected to pay out \$200 to \$800 yearly, while a high-powered, "clear channel" operation would have to ante up as much as \$40,000. But these amounts

were low compared with the VHF television assessments, which generally began in the six-figure range. In the New York metropolitan area, for example, which has the greatest number of viewing households in the country, each of the three networks' flagship stations fell into the \$7-million bracket.

What the N.A.B. feared was that filling the coffers of the Telecommunications Fund could become a permanent drain on station profits. Under the new communications act, commercial broadcasters would be obligated to underwrite the costs of government regulation. But what would happen if the regulatory agency's budget could not be kept in line? Did it mean that surcharges would have to be added onto set license fees? The other three programs in the special fund established by the bill seemed similarly open-ended. A multi-billion-dollar industry was noticeably reluctant to see its profits skimmed off the top and used by Uncle Sam to do an assortment of good works.

"There's good news and bad news for everybody," commented one network lawyer engaged in studying the proposal for upcoming congressional testimony. "It's a highly political document." Citizens' groups and legal activists involved in media reform were less restrained in their criticisms. Generally, they assayed the subcommittee's work as nothing less than disastrous. The Reverend Everett C. Parker, director of the Office of Communication of the United Church of Christ, one of the oldest and most dedicated of such public-interest groups, denounced the rewrite as "a disgrace," amounting to "a bigger giveaway of public rights and property than Teapot Dome." To this, Andrew Jay Schwartzman, executive director of the Media Access Project, a public-interest communications law firm based in Washington, D.C., added that, were the bill to pass as submitted, it "would eliminate virtually all of the legal underpinnings of the media reform movement."

Included in this category were: the legal weapons of petitions to deny license renewals; the fairness doctrine and equal-time rules; and the F.C.C.-sponsored initiatives promoting the equal employment of women and minorities. The "public trustee" concept itself was the political trump card of media reform, because it enabled citizens' groups to sit down and negotiate with broadcasters in good faith about problems of common concern.

Thus, there was supreme irony in the fact that the Communications Subcommittee staff, in its 1977 set of policy recommendations for the rewrite, had specifically exempted the "public-interest" standard from repeal or emendation. "The general standard of public interest, convenience and necessity," the 664-page document proclaimed, "can stand forever." Given the final product, the statement was positively Panglossian.

And although no one was laying any odds on the chances of the bill's adoption by the chairman's 1980 target date—if it could pass the Congress at all—everyone was taking it very seriously. "If you don't raise your voice now either against or in favor of a provision," the network lawyer remarked, "it will vanish, or stay in, or not be modified to your liking. So there will be a big effort on the part of the industry to prepare whoever our witnesses may be." Schwartzman concurred: "Nobody expects the ultimate bill to have much resemblance to the initial proposal, but it does matter a great deal where the starting point is." Citizens' groups, he asserted, lack both the economic and political capital to sustain intensive lobbying drives, and consequently are "outgunned very much more at the end of the legislative process. So when the bill starts out as one that is essentially unfavorable to the interests we represent, it is only going to get worse."

In substance, H.R. 13015 is strong in the financing and hardware of broadcasting, but it scants the public. Certain of its pro-competitive features are praiseworthy, such as those that would facilitate the

growth of cable TV and public broadcasting and help place them on a better footing in relation to commercial radio and television. Yet the bill would only lift federal restrictions on the cable industry, leaving state and local authorities free to pass their own limiting covenants.

Fortunately, Van Deerlin has not been insensitive to all these complaints. After initial hearings, which got underway in July, he was reported to be seriously considering restoring the public-interest language to the act, as well as taking a second look at its cable-TV provisions.

There are other unresolved problems in the bill's underlying assumptions and approach. Principally, in opting for a marketplace model of regulation, the rewrite sidesteps the hard question of the kind of First Amendment rights individual Americans will be entitled to enjoy in the electronic world of the twenty-first century.

The *raison d'être* of federal regulation has always been that the airwaves constituted a scarce public resource that, accordingly, had to be rationed out among a finite number of qualified private applicants. The scarcity was related to, but not dependent upon, the multiplication of broadcast facilities. What was scarce in radio and television was a fair distribution of First Amendment rights to active self-expression. As the Supreme Court held in 1969 in the *Red Lion* case (the decision that affirmed the constitutionality of the fairness doctrine): "Where there are substantially more individuals who want to broadcast than there are frequencies to allocate, it is idle to posit an unbridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write or publish." As long as these conditions existed, demand would exceed all conceivable supply. The airwaves were a permanent seller's market, and what was up for auction was freedom of speech.

Such reasoning, moreover, has riven our traditional understanding of "freedom of speech, or of the

press." It is the primary justification for the fact that the electronic media enjoy less than full First Amendment rights. But the courts have also held that broadcast journalists are entitled to control the editorial content of their medium and be free from government encroachment upon their day-to-day programming decisions. Citizens, on the other hand, have a right to hear a wide variety of representative community views on controversial public issues—the spirit of the fairness doctrine. Citizen access to the airwaves, however, has never been sustained, either as an inherent First Amendment right or as a mandate of the communication laws.

It is time to reconsider some of these propositions in the context of the working document drafted by Van Deerlin and Frey. Its major premise is that scarcity is no longer a factor in radio broadcasting and that the dominant role of broadcast television in our lives is destined to be eclipsed by the emerging technologies, most notably cable TV and fiber optics. That indeed may be the case. But any proposed organic changes in our communications laws, I believe, must sustain a higher burden of proof than mere statistics relating to the number of broadcast facilities. Broadcast licensees, in actuality, compose only one of two principal parties to a social contract over the distribution of free-speech rights in the air. The other is the public—too often the silent partner. And the Supreme Court has been unambiguous in stating whose legal rights take precedence. "It is the right of the viewers and listeners," Justice Byron White wrote for a unanimous court in *Red Lion*, "not the right of the broadcasters, which is paramount." H.R. 13015 accelerates—and does nothing to compensate for—the growing trend toward reading the First Amendment as a passive entitlement. The right to receive information via the electronic media is vitally important. But the freedom to communicate ideas and information, and also to contest accepted canons, is perhaps greater still. The rewrite does seek to restore some of

the First Amendment rights of licensees, but by granting licenses for an indefinite length of time and by weakening whatever marginal provisions remained on the books for citizen access to the airwaves, the Communications Act of 1978 betrays a lack of democratic vision.

Moreover, the bill may undermine the very diversity it seeks to encour-

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age. Media reform activist Charles Firestone, now director of the U.C.L.A. communications law program, commented recently: "There's nothing in the bill that will create a system whereby you can have new entrants where they are not already in place. They say there's a market, but they don't create one. As long as there is not free entry in and out, there isn't a marketplace." The draft legislation, he added, does not adequately take into account conditions as they might exist in a small town forced to depend on only one or two radio stations. With radio broadcasters freed from the obligation to give fair coverage to controversial issues, those who happened to own the community's transmitters "because they were first" could "completely propagandize for their own causes . . . and not be subject to any sanctions at all." Moreover, some experts predict that, if the bill becomes law, the market price of a radio or television license could increase to as much as four times its current worth.

An average TV franchise now nets a book value of between \$20 million and \$50 million when it is sold. In a major-market area like New York, Chicago, or Los Angeles, where the

greatest concentrations of ethnic, religious, racial, and cultural populations can be found, the price of purchasing a TV license is as high as \$75 million to \$100 million. The total amount of money earmarked for the minority loan program under the Telecommunications Fund has been put at \$25 million. Dr. Ralph Jennings, executive director of the Office of Communication of the United Church of Christ, commented: "It doesn't take much math to figure out that, if stations quadruple in value, it will take twenty years to get enough money to loan against one major-market TV station." That left only radio as a feasible alternative. Yet radio stations are not cheap, either. As Jennings pointed out: "WRVR-FM in New York sold for \$2.5 million. Similar FM stations would then go for \$10 million. So, all told, you might have enough in the loan fund to get a couple of minority people started in failing FM stations in major metropolitan areas."

The focus of the revision of the laws ought to include a wide-open national debate about rights as well as hardware. Rights, like energy supplies, may become depleted if they are not carefully husbanded. As jurisprudential philosopher Ronald Dworkin has written in his book *Taking Rights Seriously*: "What is important is the commitment to a scheme of government that makes an appeal to the right decisive in particular cases." Admittedly, the plight of the First Amendment in the spectrum is a hard one to resolve. But, to date, the subcommittee has, unfortunately, given only cursory attention to this issue. Freedom of speech is a calisthenic right—one that must be exercised to be enjoyed. There is ample room for addressing public needs within a communications framework that accords licensees a greater degree of financial and legal security. The Van Deerlin bill presents, therefore, a constitutional question of the highest order: how to integrate the wonders of the new technology without thereby leaving the American people literally speechless before the dominant communications media. ■

Fleet Street's new left

Militants now lead the National Union of Journalists, which represents 90 percent of Britain's news workers—but they may face trouble in the ranks

by ROGER M. WILLIAMS

Drinking lunch in a noisy Fleet Street pub, the left-wing activists in the National Union of Journalists talked animatedly about simmering political affairs: an unfavorable court decision in a contempt action stemming from the much-publicized "Colonel B" case; the forthcoming trial—part of the same case—of two reporters under the Official Secrets Act; and plans for holding large-scale public demonstrations to protest both. The discussion differed markedly from the desultory anecdote-swapping heard among many American journalists. Different, too, were the British participants: young, untrimmed and blue-jeaned, intense and argumentative but, at the same time, informed and good-humored.

The N.U.J. and its American counterpart, the Newspaper Guild, present more contrasts than similarities. Most obvious are scope and muscle. The N.U.J.'s 30,000 members account for roughly 90 percent of all British journalists, while the guild's 35,000 members cover less than half of its potential membership on newspapers and magazines. The N.U.J. has organized virtually every major newspaper group in England, Scotland, Ireland, and Wales, including all the national newspapers published in London. In addition, it bargains with the news agencies, the British Broadcasting Corporation and privately owned Independent Television News, the major periodicals, and a growing number of book publishers and public-relations firms. "We are," says an N.U.J. official matter-of-factly, "the largest organization of journalists in the world."

The N.U.J. has attained this size despite restricting its membership to

editorial employees. Unlike the Newspaper Guild and most European journalists' unions, it does not accept "commercial" employees—those in advertising, accounting, and other clerical departments whose presence swells the rolls and bargaining power of the guild but at the same time makes it less attractive to professionally-minded journalists. Unlike the guild, moreover, the N.U.J. organizes free-lance writers. They comprise a tenth of the total membership, and the London "free-lance branch" is one of the largest and liveliest of the union's locals.

For an American, the most distinctive aspect of the National Union of Journalists is also the least tangible: a growing militancy and a sharp division into political left and right, neither now a familiar feature of the Newspaper Guild. While militancy may seem a natural consequence of Britain's highly unionized society, it is actually a recent development. For sixty-odd years after its founding in 1907, the N.U.J. was a rather quiescent middle-class organization. "Journalism then was practiced in a paternalistic atmosphere," says David Ross, an editor on the *Daily Express* and chairman of the N.U.J.'s Fleet Street branch. "It was considered a vocation, and journalists considered themselves gentlemen." The postwar era brought newspaper closings, tougher managements, and low wages, and the N.U.J. became more conscious of the middle word in its name.

In the 1960s, the union began moving away from nationwide agreements toward "house" agreements that directly involved members in negotiations. The national leadership, concerned about its own

continued on page 53

Roger M. Williams is a senior editor of Saturday Review.

Senator Gaylord Nelson, Founder of Earth Day, Questions the Value of Beverage Container Deposit Legislation

Maybe he knows something you don't.

1. Laws calling for mandatory deposits on beer and soft drink containers (as in Vermont and Oregon) reduce litter by 44% to 87%.

T ☐

F ☐

2. Switching to a mandatory deposit system would reduce the volume of solid waste.

T ☐

F ☐

3. A switch to a mandatory deposit system would reduce petroleum use in the United States.

T ☐

F ☐

4. If the country turned to a system of mandatory deposits, tens of thousands of new jobs would be:

Created ☐

Lost ☐

5. Mandatory deposits would reduce the price of soft drinks and beer.

T ☐

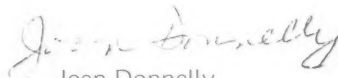
F ☐

ANSWERS: 1F; 2F; 3F; 4 both; 5F

Miss any? If so, you'll find more complete answers in this pull-out file. It's packed with background information—and new research—*on beverage container legislation and its effect on litter, solid waste and energy conservation.*

These are important stories today. When you're called on to report them, we hope these facts and figures will be of some help in providing perspective on the pros and cons of mandatory deposit legislation.

If you have any questions—or if you need more information—just give me a call. I'll be happy to send you copies of source materials cited in this report, including independent and government research studies.



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THE ISSUES: Litter • Solid Waste • Energy • Water Resources • Jobs • Prices • Recycling

1. Litter

HOW DO MANDATORY DEPOSIT LAWS AFFECT LITTER?

In Vermont, where a mandatory deposit law has been in effect since 1975, *litter has been reduced by only 14.6%.*¹ In Oregon, which has had a deposit law since 1972, *roadside litter has been reduced by 3% to 10.6%.* (Oregon's official state study says litter was reduced 10.6% a year after the law went into effect.² A study done for a can manufacturer found a reduction of 3% after five years.³)

Why so little impact? Because beverage litter makes up only about 20% of rural highway litter and less than 5% of urban street litter.³ So even if we could eliminate all beverage cans, bottles, caps and pull-tabs, 80% of the litter would remain. (Some sources have been quoted as saying that deposit laws have reduced *all litter* by 60% or more, when in fact only *beverage-related litter* was reduced 60%—an 8% average reduction in *total litter*.)

Remember, *more than 93% of canned beverages are consumed indoors, on private property, or at sporting arenas, so they aren't even candidates for litter. Many of the remaining 7% are disposed of properly.*

There are two approaches to litter control which have worked much better than forced deposit bills.

One approach is legislative. *Eight states* with*

20% of the U.S. population (44 million) have enacted comprehensive litter abatement laws which mandate public education for litter abatement and support for privately-run recycling centers, litter barrel distribution and increased law enforcement, i.e., small fines for littering and assignment to litter pick-up crews.

That approach has worked well. *In the State of Washington, total litter was reduced by 66% four years after the law went into effect.*⁴

Let's see how that figure compares with results in Oregon with its mandatory deposit law. *A detailed 1977 study of 110 comparable locations in Washington and Oregon found that Washington had 29% less litter than Oregon. And in urban areas, Washington had 52% less.*³

Another solution that has worked well is a voluntary one, requiring no legislation. More than 130 American cities and the State of Georgia have adopted the Clean Community System (CCS) sponsored by Keep America Beautiful, Inc. CCS combines a behavioral approach with broad-based public education, an increased supply of litter baskets and enforcement of updated litter laws.

CCS cities average 54 fewer items of litter per mile in residential areas than comparable cities without CCS. And they average 47% less litter along major downtown streets, 11% less along light commercial streets. *In a comparison of three CCS cities with three comparable control cities, CCS was found to have reduced litter by 20% to 51%.*³

Here's how CCS results compare with those of other systems in city residential neighborhoods:

*Wash., Calif., Va., Hawaii, Colo., Ky., Conn., S.C.

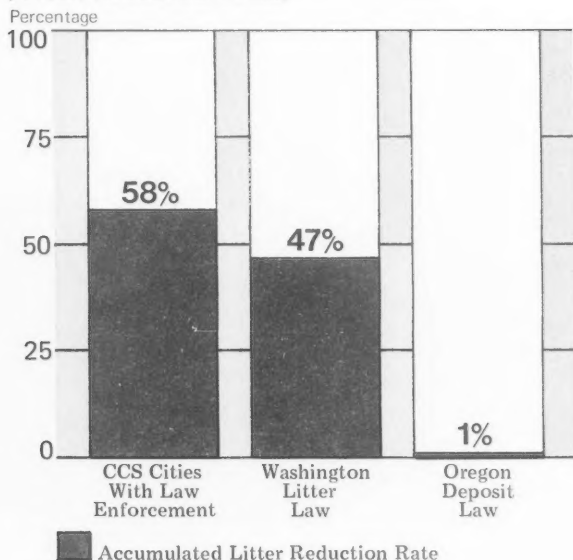
¹Beverage Containers—the Vermont Experience, U.S. Environmental Protection Agency (SW 139), 1975.

²Study of the Effectiveness of the Oregon Minimum Deposit Law, Applied Decision Systems for the State of Oregon, 1974.

³Litter Reduction Effectiveness, Institute for Applied Research, for Continental Can Company, 1977.

⁴State of Washington Department of Ecology, 1976.

Litter Program Effectiveness (Urban Residential Areas)



Source: Institute for Applied Research, June 1977.

CCS is endorsed by the AFL-CIO.

Finally, an authoritative study by the State of Maryland concluded that *the most cost-effective solutions to the litter problem may be Washington-style legislation or the voluntary Clean Community System.*⁵

2. Solid Waste

WHAT IMPACT WOULD MANDATORY DEPOSIT SYSTEMS HAVE ON THE VOLUME OF GARBAGE?

Mandatory deposit systems would increase our solid waste. The Environmental Protection Agency says

⁵ Social Costs of Beverage Containers, Maryland Department of Economic and Community Development, 1976.

that a 10-trip returnable bottle would generate 4.5 times as much solid waste as the no-deposit beverage can, because of the large weight and volume difference in the containers.⁶

Senator Gaylord Nelson points out that Environmental Protection Agency figures show that beverage cans and bottles only comprise five percent of the nation's solid waste. "If that is the case," the Senator says, "then *we should not launch a separate mandatory deposit program which only addresses itself to five percent of the problem.*"⁷ (emphasis added)

3. Energy

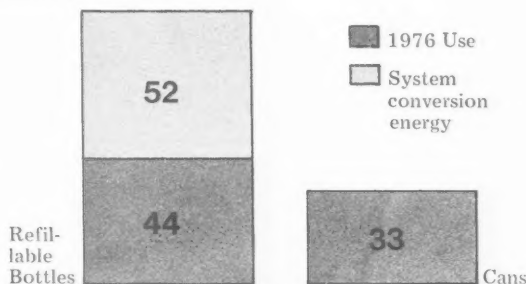
DON'T REFILLABLE SYSTEMS REQUIRE LESS ENERGY THAN CANS?

Yes—refillables use slightly less total energy. But conversion to *refillables would require more petro-*

⁶ Resources and Environmental Profile Analysis of Nine Beverage Container Alternatives, U.S. EPA 530/SW 91c, 1974.

⁷ Speech, (given at awards banquet of the Wisconsin Environmental Decade honoring Wisconsin legislators with outstanding records on environmental legislation), October 13, 1976.

1976 Oil Use (12 oz. off-premise consumption beer & soft drinks) (Trillions of BTUs)



Source: Battelle Institute, June 1978.

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leum—11 trillion BTUs more petroleum every year. That's two million actual barrels. And that figure doesn't even take into account the 8.5 million barrels of petroleum required to convert beverage container manufacturing, filling, handling, warehousing and distributing systems over to a refillable system.⁸

So cans offer a savings of two million barrels of oil a year. Although cans require more total energy than refillables, *can manufacturing is coal-intensive*, and fortunately, coal is the one fossil fuel this country has in abundant supply.⁹ In total energy use, here's what the picture looks like:

As you can see, the can system does require a greater amount of natural gas on an annual basis—a kind of trade-off of gas for oil, of a domestic fuel for an imported one.

Innovations in can manufacturing are steadily reducing the amount of energy used to produce each can. Lighter materials, more efficient manufacturing and innovative technology are all contributing to reducing energy usage.

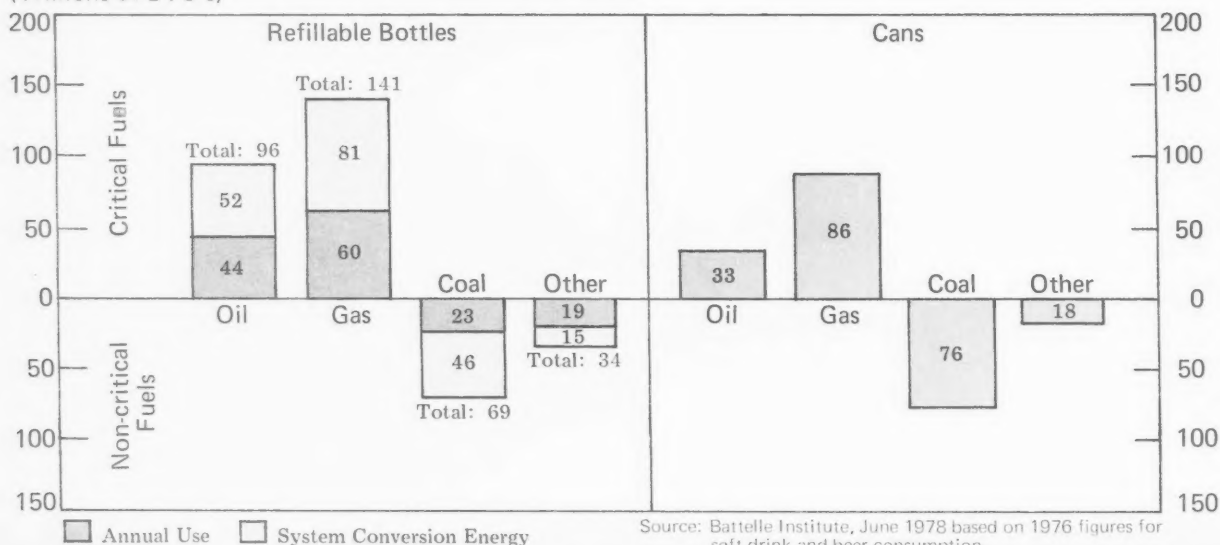
Senator Nelson reviewed federal data on energy usage for both systems and had this to say:

"The best conclusion possible is that the case isn't proved."⁹

⁸ Evaluation of Energy Consumed in Using Refillable Glass Bottles and Cans for Beer and Soft Drinks, Battelle Columbus Laboratories, for Can Manufacturers Institute, 1978.

⁹ Speech, (given at awards banquet of the Wisconsin Environmental Decade honoring Wisconsin legislators with outstanding records on environmental legislation), October 13, 1976.

Total Energy Use (12 oz. off-premises consumption of beer and soft drinks) (Trillions of BTU's)



Source: Battelle Institute, June 1978 based on 1976 figures for soft drink and beer consumption.

4. Water Resources

HOW WOULD A SWITCH TO A REFILLABLE SYSTEM AFFECT OUR WATER RESOURCES?

Any time we reuse or refill a beverage container, it has to be washed and sterilized. A study by the Midwest Research Institute finds that *preparation of refillable bottles requires four to seven times the water needed for cans. Some systems require as much as three and a half gallons of heated water per bottle.* That adds up to more than 150 billion additional gallons of water a year if all cans were replaced by refillable bottles.¹⁰

And consider this: Two-thirds of all beverage filling locations either have water shortage problems now, or they expect to have a shortage in the next eight years.

5. Jobs

HOW WOULD A SWITCH TO MANDATORY DEPOSITS AFFECT THE JOB MARKET?

Nobody really knows the full answer yet. We do know that thousands of skilled and semi-skilled jobs in the can and glass manufacturing industries would be lost. It's also very likely that thousands of jobs as bottle handlers, bottle sorters and truck drivers would be created.

*The U.S. Commerce Department says national restrictive container legislation would eliminate 82,000 jobs.*¹¹ The Environmental Protection Agency says 43,000 jobs.¹² These are skilled and semi-skilled jobs paying six to 12 dollars an hour

(average wage: \$17,000 plus fringe benefits). Forty percent of these jobs are held by women and most are held by heads of households with families to support.

The newly-created jobs would be largely unskilled jobs as bottle sorters and handlers, paying \$2.65 to \$3.50 an hour. Many would be part-time and layoff-prone. Basically, we're talking about a trade-off. In effect, it would be firing the father and hiring the son.

The State of Connecticut, which enacted mandatory deposit legislation effective in 1980, recognized the impact the law will have on workers. *The state will pay laid-off workers from 75% to 85% of their previous salaries for up to three years. It will also provide reemployment assistance and an allowance for retraining and relocation, all at taxpayer expense.*

The AFL-CIO has made its position clear, saying, "The problem of solid waste will not be solved by restricting the use of non-returnable beverage containers, a minute proportion of America's solid waste problem. Rather, any 'ban-the-can-and-bottle' proposal would create greater problems through the elimination of 60,000 jobs."¹³

The State of Minnesota studied the problem and reported, "...A mandatory deposit law in Minnesota would have a negative impact on employment. While there is evidence to indicate that there may be an overall gain in jobs, it is accompanied by compelling concerns: 1) *We don't know the exact nature of the potential job loss and gain.* 2) *It is apparent that most of the potential job replacements would be at a significantly lower hourly wage and perhaps many of them part-time.* 3) *The potential job losses would*

¹⁰ Water Use in Beverage Filling Operations, Midwest Research Institute, for Continental Can Company, 1977.

¹¹ Department of Commerce Staff Study, A-01-75.

¹² *Business Week*, February 21, 1977.

¹³ AFL-CIO recommendations to 1976 Democratic and Republican National Conventions.

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*significantly disrupt the economic security of hundreds of families, with no guarantee that a job at a comparable wage rate could be found."*¹⁴

The Environmental Protection Agency says that losses of skilled jobs would be "an important social cost of deposit legislation."¹⁵

6. Prices

SURELY MANDATORY DEPOSIT LAWS WOULD REDUCE THE PRICE OF BEVERAGES TO CONSUMERS?

Mandatory deposits actually *increase* prices. *In both Oregon and Vermont, prices of beer and soft drinks increased after bottle bills were passed.* In the State of Maine, when forced deposit legislation went into effect in 1978, the price of a six-pack of beer increased from \$1.80 to \$2.20 plus 30¢ deposit—an increase of 22% not counting deposit.¹⁶

The increased price was due solely to increased costs to the retailer and wholesaler for container handling and collection. It includes a one-cent-per-container handling fee paid to the retailer and mandated by law.

One study analyzed costs to the consumer, assuming that refillables had replaced cans, and came to this conclusion:

*"Average container prices would have fallen dramatically, as expected. . . All other filling and distribution costs would have increased. The final average cost of beverages to the consumer would have increased."*¹⁷ (emphasis added)

¹⁴ Interim Report, 1977, Minn. Senate Employment Impact Subcommittee.

¹⁵ Business Week, February 21, 1977.

¹⁶ Wall Street Journal, July 27, 1978.

¹⁷ Impacts on the USA of One-Way Beverage Containers, Wharton School of Economics, University of Pennsylvania, 1976, for U.S. Brewers Association.

Let's take a look at that increase at the retail level alone: Nationwide, retailers would be expected to handle 72 billion dirty containers a year and exchange 288 billion nickels (4 nickels for each container sold) with their suppliers and customers.

Progressive Grocer magazine found that *forced deposits increased labor costs for Oregon super-markets by an average of \$13,400 per store.*¹⁸

In other states with a larger urban population and higher labor rates, these costs could be substantially greater than those stores sampled in Oregon. And when a store's costs increase, its prices go up. The higher prices are usually spread to many items and not limited to beverages. So a mandatory deposit law could mean you'll be paying a little extra for meat and vegetables.

7. Recycling

DO DEPOSIT LAWS HELP CONSERVE OUR RESOURCES?

Yes, but other methods are cheaper and more effective. *In Milwaukee, a new resource recovery system called Americology can economically recover up to 90% of the city's garbage for new uses.*

The system recovers more than 90% of the steel cans in Milwaukee's garbage and almost as high a percentage of aluminum cans. This compares to a return rate of less than 75% for cans in the deposit states of Vermont and Oregon.

And Americology is much more cost-effective: *In Milwaukee, a ton of steel cans is extracted from garbage and compacted at a cost of \$23.50 a ton. In deposit states, where retailers are paid a penny apiece for handling cans, the cost comes to an*

¹⁸ Progressive Grocer, October, 1977.

average of \$310 per ton of cans collected, not including transportation and sorting cost at the whole-sale distribution level. *That's 13 times the cost in Milwaukee.*

And there are other good systems, like the Arizona Beverage Industry Recycling Program (BIRP). Its statewide network of recycling centers has collected over 100 million pounds of cans, bottles and newspapers in seven years of operation.

Representative Morris Udall, who has not endorsed any specific solid waste legislative proposal, said:

*"My sympathies originally lay with the proposal to require deposit legislation, but the more I study the problem, the more convinced I am of the need for a comprehensive approach—a solution which will guarantee the recycling of not just glass, but all paper, all metals and all glass."*¹⁹

Some Final Thoughts

In December, 1978, Michigan's mandatory deposit law will go into effect. We'll be interested to see how well it works in a large urban state.

California has enacted statewide litter abatement legislation which calls for recycling, enforcement and clean-up. We'll be watching that, too, to see how Washington-style legislation works in a more urban setting.

And Georgia is the first state to go statewide with a Clean Community System in 1978. It will be interesting to see how effective it is on such a broad scale.

We think society will know a lot more in a year or two about how well these three systems work. We'll know then which system is most efficient in

controlling litter and which is most cost-effective.

In our judgment, the country will be in a much better position two years from now to evaluate the evidence and make a wise decision on the course it wants to take.

Reference Sources:

Americology
1313 West Mount Vernon Street
Milwaukee, WI 53201

Battelle Columbus Laboratories
505 King Avenue
Columbus, OH 43201

Beverage Industry Recycling Program
2651 S. 22nd Avenue
Phoenix, AR 85009

Clean Community System
Keep America Beautiful, Inc.
99 Park Avenue
New York, NY 10016

Institute for Applied Research
840 La Goleta Way
Sacramento, CA 95825

Midwest Research Institute
425 Volker Blvd.
Kansas City, MO 64110

¹⁹Statement to Consumer Subcommittee, Senate Commerce Committee, 1978.



"My sympathies originally lay with the proposal to require deposit legislation, but the more I study the problem, the more convinced I am of the need for a comprehensive approach—a solution which will guarantee the recycling of not just glass, but all paper, all metals and all glass."

Representative Morris K. Udall of Arizona
Before the Consumer Subcommittee, Senate
Committee on Commerce, Science and
Transportation, Jan. 25, 1978

"At a time when we are all concerned about a \$42 billion bill for imported oil and a \$26 billion trade deficit caused largely by soaring oil imports, I believe thinking persons everywhere would and should question a proposal that would, as an end result, require the use of even more petroleum."

Representative Robert H. Mollohan of W. Va.
Before the Consumer Subcommittee, Senate
Committee on Commerce, Science and
Transportation, Feb. 2, 1978

"The State of Washington (without forced deposits) and now other states, have comprehensive *anti-litter* programs. The Washington program has resulted in a 66% reduction in litter. Oregon, with its deposit law, has only effected a 10.6% reduction... The container legislation approach is tunnel-visioned. Instead, what we need is a more comprehensive, total program."

Representative Charles J. Carney of Ohio
In the House of Representatives, Dec. 12, 1977

"The problem of solid wastes will not be solved by restricting the use of non-returnable beverage containers, a minute proportion of America's total solid waste problem. Rather, any 'ban-the-can-and-bottle' proposal would create greater problems through the elimination of 60,000 jobs."

AFL-CIO Recommendations to the 1976
Democratic and Republican National
Conventions

Senator Gaylord Nelson points out that Environmental Protection Agency figures show that beverage cans and bottles only comprise five percent of the nation's solid waste. "If that is the case," the Senator says, "then we should not launch a separate mandatory deposit program which only addresses itself to five percent of the problem."

Senator Gaylord Nelson of Wisconsin
Speech, Oct. 13, 1976



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power, resisted the trend. In 1971 it succeeded in freezing all house agreements, but the freeze was short-lived. "The rank and file found out that the leadership was fighting against its interests, making backstairs deals with management," Ross says. "That led to an explosion of 'chapel power'." (In N.U.J. terminology borrowed from the ancient usage of printers, locals are "chapels" and the local president is "father of the chapel.") Since the leadership was right wing, the uprising also led to a new receptivity to the politics of the left.

The N.U.J. left took command of annual conventions and of the executive council, the union's national governing body. One beneficiary of the turnover was Denis MacShane, a slender, articulate BBC reporter, then in his mid-twenties. MacShane worked his way up through the N.U.J. hierarchy and this year became president, despite the fact that he was unemployed. The BBC had fired him for publicly insulting Reginald Maudling, a Conservative party leader. Asked to simulate the part of an irate listener on a phone-in show, MacShane got carried away and called Maudling "a crook."

If Denis MacShane promotes ideas of the left publicly, Ron Knowles promotes them internally. Knowles has for several years been editor of *The Journalist*, the N.U.J.'s often-strident monthly. Proud of his working-class roots, he is a devoted unionist. His apparently numerous enemies within and without the N.U.J. call him "the red dwarf;" in stature, at least, he does not deserve the epithet. To a visiting American, Knowles seemed a perfectly decent fellow, willing to give all sides their due and careful to distinguish between his opinions and those of the N.U.J. at large.

Into N.U.J. affairs, with MacShane and Knowles, has come a group of equally vocal, and even younger, left-wing journalists, most of them free-lancers affiliated with small London periodicals. They have been the most vigorous defenders of "A-B-C," the initials of the three men charged in the Colonel B

case, and of Philip Agee and Mark Hosenball, two American journalist-activists expelled from Britain in 1977.

It would be a mistake, however, to think of the N.U.J. as a left-wing monolith. Even MacShane admits that the union's membership "remains essentially conservative from a political standpoint. As a natural fact," he says, "the majority of British journalists are middle-class homeowners, the bulwarks of a conservative society." In addition, the left has suffered significant defeats in recent months. Its hold on the executive council has been loosened, perhaps broken; its slate for offices in the free-lance branch was badly beaten; and in the last balloting for general secretary, the working head of the union, the three leading vote-getters were people whom the left would consider right-wingers.

Internal politics aside, the N.U.J. faces difficult and delicate problems: chronic unhappiness over wages and job satisfaction on provincial papers (in British journalism, everything outside London is the provinces); an equally chronic internecine struggle with the Institute of Journalists, an older and smaller national organization; the continuing—some say worsening—threat of government restrictions imposed in the name of state security; automation in the newsroom; and relations with the "print" (production) unions during a particularly unsettled period in the history of British newspapers.

Taking the broadest problem first, the N.U.J. has much to lose in the wrestling match between management and the larger newspaper unions. A series of wildcat production strikes, this year and last, drove three national papers to declare that they would cease publication unless the unions put an end to such stoppages; during the six months ending in March 1978, according to *The Economist*, 108 million copies of British papers—the equivalent of four days' issues—had failed to reach the newsstands; and in the first

three months of 1978, Times Newspapers Ltd., which publishes both *The Times* and *The Sunday Times*, had lost one-fifth of its scheduled output. In May, the National Graphical Association, second largest of the newspaper unions, made the unprecedented declaration that not only would it do its best to end wildcatting, but, failing that, would find replacements for the wildcatters so that publication could proceed.

The Fleet Street union war is far from over, however, and the N.U.J.

**'The majority
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Denis MacShane
president, National Union of Journalists

sits apprehensively in the middle, too small to wield influence. Whenever the current battle subsides, another one looms over newsroom automation. For the N.U.J. to accept video display units, direct typesetting, and so on, it will have to ignore print-union pleas to "stop doing our job." In the British atmosphere of union solidarity, such pleas cannot be lightly dismissed. Luckily for the N.U.J., British publishers are moving slowly in introducing the new technology.

The plight of the provincial journalist has frustrated the N.U.J. for decades. Although wages have risen considerably over the past several years, so have prices, and, beyond London, the typical reporter or editor remains far down on comparative pay scales. A December 1976 study placed "reporter on local newspaper" at £3,000 (less than \$6,000) a year, on a par with "man sweeping factory floor" and barely ahead of a lavatory attendant. N.U.J. officials say that the gap between Fleet Street and provincial salaries, always large, is widening.

Provincial journalists are almost

equally dismayed by the lack of challenging assignments and of opportunities to move up to the national newspapers. "All but a couple of provincial publishers are satisfied to print formula stuff," says Knowles. "They won't take up a local issue and probe it." Skilled people used to escape to London, but nowadays that is increasingly difficult. There are fewer national papers, and the N.U.J. itself has helped to discourage job-changing by making it tough for management to dismiss unwanted staffers. This comes at a time

'What really bothers us about the I.O.J. is that they're cowardly and sycophantic toward management'

Ron Knowles
editor, *The Journalist*

when British journalism is attracting greater numbers of well-educated, public-spirited recruits. Faced with lingering death in the provinces, what will they do?

The N.U.J. began as an offshoot of the older Institute of Journalists, but their relationship has always been strained. Four merger attempts have failed. The fourth collapsed in 1972, with each side bitterly blaming the other. Last year's report of the Royal Commission on the Press, in calling for a renewal of merger discussions, declared that the rivals face, in practical terms, a choice between "collaboration leading to amalgamation" or an unending war of attrition. Statistically, the N.U.J. is in a much better position to continue the struggle. It has about fifteen members for every one in the I.O.J., and it has organized many more papers. The I.O.J. disdains what it considers the politicization and pugnacity of the N.U.J. Its ranks have traditionally included top editors; the *Times*'s William Rees-Mogg and the *Daily Mail*'s David English are members. In the I.O.J. view, it has dignified journalism by

treating it more as a profession than as a trade.

Institute members are understandably angered by the N.U.J.'s efforts to sign closed-shop agreements that exclude the I.O.J. In addition, they consider the N.U.J. strike-happy, and they point to a number of recent actions that resulted in, at best, no gain for the union. (Many conservative and middle-of-the-road N.U.J. members make the same charge.) The N.U.J.'s leaders excoriate the I.O.J. for scabbing on N.U.J. strikes, including some of those that ended unproductively. "They're elitist, yes," says Knowles, "but what really bothers us about the I.O.J. is that they're cowardly and sycophantic toward management. They'll work round the clock, if necessary, to put out a paper we're striking." The deputy general manager of the I.O.J., Jim Patterson, returns the compliment in kind. "They've got so many Trotskyists in office they seem like a branch of the Socialist Workers Party," says Patterson in a rich Scottish accent. "We're the only professional body of journalists in the country."

Nobody in either group seems optimistic about merger. Both conduct low-key raids on each other's memberships, and the crossovers pretty much balance out. The I.O.J. expects that if the Tories win the fall election they will do away with the closed shop in the newspaper industry. For the present the I.O.J. is sticking with its own style of negotiation, which Patterson characterizes as "lacking in political posturing and noisy demonstration." At the *Daily Telegraph* last spring, it demanded, as a prelude to bargaining, that management reveal the salaries and other payments given its executives.

As most American journalists know, their British counterparts operate under a much more restrictive legal system than that in the United States. "The Watergate story couldn't have been developed here," says David Ross. "We have no freedom of information act as you Americans do, even though it's you who have the real secrets to

keep." Some outside observers accuse British journalists of buttressing the legal restrictions with their own docility. But in recent years the N.U.J. has been far from docile. When Agee and Hosenball were threatened with deportation, the N.U.J., after initial hesitation, got solidly behind them. "It was their most important defender among the unions," says an American freelancer who lives in London. "N.U.J. people realized that, regardless of whether Agee and Hosenball were foreigners, nobody should be thrown out for such vague offenses."

Thrown out they were, but an even meatier freedom-of-the-press case soon surfaced. It involved publishing the name of a secret court witness—the celebrated "Colonel B." The colonel, Hugh A. Johnstone, a Signals Intelligence officer, had given evidence in a pre-trial hearing on charges that two journalists, Crispin Aubrey and Duncan Campbell, had elicited classified military information from a former soldier, John Berry. Aubrey and Campbell unearthed Johnstone's name, and two underground periodicals, *Peace News* and the *Leveller*, published it. Four sympathetic members of Parliament subsequently proclaimed the name on the floor of the House of Commons. The M.P.s were not prosecuted, but Aubrey, Berry, and Campbell were charged with contempt of court as well as with violating the Official Secrets Act; the latter charge carries a maximum sentence of fourteen years.

The case comes to trial in September. The three defendants have gotten the contempt case before the House of Lords, which they have asked to curb the government's power to impose secrecy on court proceedings. Aside from the prospect of prison, the Colonel B prosecution threatens to bankrupt *Peace News* and the *Leveller*. "For both publications," says Ron Knowles, "the costs of the case will be several times their annual income." The

N.U.J. is also a defendant because *The Journalist* published Johnstone's name in a show of sympathy with the two periodicals. The union has helped raise money for a joint defense fund. It has organized rallies and demonstrations and distributed buttons bearing such phrases as, "Tell Me Your Official Secrets" and "Colonel Johnstone, I Presume?"

There are some dissenters to the N.U.J. position on *l'affaire* Colonel B. Perhaps the most publicly outspoken of these is Bernard Levin, a *Times* columnist and a conservative

**'The N.U.J. makes
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and expulsion—than does
the Newspaper Guild'**

force within the free-lance branch. Levin calls the N.U.J. campaign "a brilliant exercise on the part of the left. They've almost persuaded everybody that naming Colonel B was morally necessary and that the prosecutions are an assault on press freedom. I agree that the Official Secrets Act is a bad law, in its assumptions and its workings. But the motives and intentions of these three [A-B-C] are difficult to assess. There's evidence that their meeting was not harmless talk but an exchange of very important classified material." Levin's colleagues in the free-lance branch were so angered by his attitude toward the case that, when he tried to force withdrawal of a resolution supporting A-B-C, they censured him.

The N.U.J. makes a good deal more use of censure—and expulsion—than does the Newspaper Guild. It is especially rough on members who have dealings with newspapers not organized by or in dispute with the union. Last April, for example, the N.U.J. expelled a Scottish BBC broadcaster for appearing in a television commercial in

behalf of the D.C. Thomson papers, which have not recognized the union. Publications that incur N.U.J. ire are subject to being "blacklisted," that is, declared out of bounds for any union member. Sometimes blacklisting can kill a publication; the London periodical *Faces* died after a dispute with the N.U.J. that drove off both the magazine's pool of contributors and its distributors.

Perhaps the union's most controversial attempt to dictate to members has been its "anti-racism" campaign. A creation of the left-wing leadership, the campaign aims to curtail the support allegedly given by British newspapers to attacks on colored immigrants. The attacks, both physical and psychological, have been stepped up in the last few years, and the leader of the Conservative party, Margaret Thatcher, has embraced a restrictive immigration policy. Keystone of the N.U.J. campaign is a code of conduct that holds members responsible for observing what the union considers sound journalistic ethics on racial matters; the union can call to account and, if necessary, expel members who deliberately or inadvertently fail to measure up. Several reporters and editors have been accused of violating the code; one man, fined £50, refused to pay and thus, under union rules, forfeited his membership. In addition, a writer for the magazine of the National Front, the principal white-supremacy organization, has consistently been denied N.U.J. membership.

By way of justification, N.U.J. leaders reason that because racism is a major social problem, the press, as a responsible social institution, must fight it vigorously. Ron Knowles says: "In Germany, and to a lesser degree in Britain, the rise of fascism was accompanied by a compliant and cooperative press. That must never happen again." Among the sins to be guarded against, Knowles says, are reporting National Front speeches in "uncritical" terms. Bigots are to be identified as bigots in the news columns; staffers are urged to "withhold their labor on grounds of conscience" if their publication

plans to carry either a news story or an advertisement that they consider to be racist.

"It's not our job to act as the moral exterminator of unhealthy social feelings or as a gendarmerie for good race relations," concedes Denis MacShane, "but we want to raise professional standards in journalism." The standard-raising smacks of group therapy or, at worst, vigilantism. As MacShane explains it, "When an N.U.J. member is outraged by another man's conduct [in race matters] he can take out a complaint. Anybody can do it at any stage of the journalistic process."

The code of conduct has provoked substantial opposition within the N.U.J., although by opposing it one runs the risk of being labeled a racist. Critics point out that today's crusaders for racial minorities could turn tomorrow to promulgating codes for women or homosexuals or whomever. They note, too, that Britain already has a race relations law that forbids publishing material (including speeches) likely to stir racial hatred; violators can be prosecuted in the courts. But these are practical objections to the N.U.J.'s anti-racism campaign. The paramount objection is, and should be, philosophical. As Bernard Levin puts it: "The whole point of freedom of speech is that you believe in letting people say vile things as well as nice things."

Whatever left-wing excesses have been perpetrated within the N.U.J. will probably be rectified by union elections. The left's willingness to call strikes probably will be tempered, too, not because it is an excess but because the strikes have too often proved unproductive. Yet the N.U.J. will remain a full-fledged and pretty feisty trade union—while America's Newspaper Guild remains uncomfortably suspended between unionism, the attitudes of the "professional" organization, and the conviction among many of its own members that journalists should act primarily as individuals. ■

Honorable mentions

A perusal of this year's non-winning Pulitzer Prize entries shows that, when encouraged, the muckraking flame still burns bright

by JOHN L. HESS

Six years after Watergate, what is the state of investigative reporting in our fair land? Judging by judicial efforts to dampen it, it is raging like a brush fire. A thoughtful look at submissions for the 1978 Pulitzer Prizes in journalism would modify that impression: it smolders, in patches, and occasionally flares up in a bright blue flame, but our social structure is in no immediate danger of being consumed by the blaze.

What we now call investigative reporting (all the rest being, presumably, *non-investigative* reporting) was in its golden age known as muckraking. Its standard-bearer was, of course, Lincoln Steffens, whose biographer, Justin Kaplan, has preserved a splendid comment on Steffens's work by George Washington Plunkitt, the sage of Tammany Hall:

I don't believe that the government of our cities is any worse, in proportion to opportunities, than it was fifty years ago. The old-timers had nothin' to steal, while the politicians now are surrounded by all kinds of temptations.

That was in 1904. Today, urban government may be no worse, in

proportion to opportunities, than it was seventy-four years ago, but the temptations are far greater. And so are the stakes. In Steffens's time, the vitality of our cities was such that they could thrive along with their parasites; today, they are in a crisis that some regard as terminal.

And where is the press? At first glance, the Pulitzer statistics seem mildly encouraging. Submissions for "Special Local Reporting," which covers digging in one's own backyard, rose from 102 in 1974 to 148 this year. But in the same period, entries for international reporting rose from thirty-four to sixty, although the American corps of foreign correspondents shrank by roughly the same proportion. What has increased in editorial offices would seem to be not so much the passion for investigation or foreign reporting as an appetite for Pulitzers.

Among the thousands of American dailies and weeklies that were eligible, a total of 148 entries for local exploration would not seem to be excessive. This would be true even if one added some of the ninety-two submissions for Public Service (which honors the newspaper rather than individual toilers thereon). Certainly *The Philadelphia Inquirer's* prize in that category, for exposing police brutality, was earned by admirable investigative work. But many of the entries for Special Local Reporting can scarcely be considered investigative: *The Boston Globe* offered to accept that award for a stock-market analysis; the *Providence Journal-Bulletin* sought it for covering a fire and for either of two cops-'n'-robbers features; *Today's Spirit* of Hatboro, Pennsylvania, felt it deserved the honor for its campaign to admit illegally acquired evidence in criminal trials, and the *Lexington (Kentucky) Herald* for debating whether teachers have a right to join unions.

Norman E. Isaacs, who headed

the jury for Special Local Reporting, commented: "A lot of it was of a very low order. I would say that twenty belonged in the middle of the table." (Pulitzer juries, he explained, begin with all the entries on the rim. They drop the obvious losers on the floor, and push the contenders to the middle.)

Nobody would challenge the merits of the winner picked by the Isaacs jury. Anthony R. Dolan of the *Stamford (Connecticut) Advocate* had defied death threats in exposing narcotics and gambling operations involving local and state police. He had also exposed an arson ring linked to the fire department, a zoning official linked to a developer, and nursing-home abuses. As a result of more than 200 articles by Dolan, three commissioners had resigned and a federal grand jury had been impaneled.

Not bad for one man and one newspaper. Yet to choose Dolan meant to pass over fine work done elsewhere—among others, Stan Swofford of the Greensboro (North Carolina) *Daily News*. Swofford tracked down key witnesses who said they had lied at the trial of the Wilmington 10, and he challenged the justice of their conviction in a series of articles. (In a judgment of Solomon, the governor of North Carolina upheld the conviction but reduced the sentences.)

"It was a good story," Isaacs said, "but there, the end product was not the same." In other words, if the governor had seen fit to pardon the Wilmington 10, then Swofford might have won. This raised the objection that work of superior merit and courage might lose out simply because the forces that the reporter was challenging were too strong. Isaacs replied that a Pulitzer effort—such as the long campaign during his career at the *Louisville Courier-Journal* to regulate strip mining in Kentucky—should be "constructed

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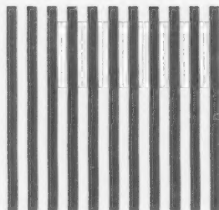
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to lead to results."

On the basis of results, it is nevertheless hard to understand why the Pulitzer board has passed over the work of Robert H. Collins of the Pulitzer's own *St. Louis Post-Dispatch*. Since 1969, Collins has been exposing such capers as the rigging of bids in Illinois highway contracts. There have been eighty-one criminal convictions or no-contest pleas so far in cases that he has exposed. But no Pulitzer. Nor did the paper win this year on other worthy submissions regarding embezzlement in the fire department, shortcomings in ambulance service, and police brutality in suburban Maplewood.

Old Lincoln Steffens would have got a wry kick out of the *P-D* stories. One of his early exposés, in *McClure's* magazine, was based on the whistle-blowing of a St. Louis prosecutor. It was in that article, in 1902, that he drew the famous conclusion, "It is good business men that are corrupting our bad politicians." It was also finally his conclusion, echoed by Walter Lippmann in 1913, that muckraking was a failure because it did not tackle what he called the "invisible government."

Stories that cut close to the "invisible government" were rare among the 1978 Pulitzer candidates. *The Arizona Republic* of Phoenix approached it with a look at the state's utility commission, but the chief result seemed to be the resignation of the commission's executive secretary over a matter of his phone bills. One of the most brilliant and effective investigations submitted was that of Mark Zanger of *The Real Paper* in Boston, who showed that arson in the slums is not committed by the victims but by promoters, for insurance, with the complicity of fire marshals; criminal prosecutions are continuing. Perhaps the best writing and analysis was by Timothy Crouse in *The Village*

Voice, "Who Really Picks Our Judges?" The *San Francisco Bay Guardian* submitted its long exposure of Supervisor Robert Mendelsohn, which torpedoed his nomination to a high Interior Department post. It would be pleasant to see a Pulitzer go to one of the alternative weeklies, which carry an increasing share of the investigating that is being done.

Among other noteworthy entries were a good analysis by *The Sacramento Bee* of the prospective effects of Alaskan oil on California, and a cautious survey by the *Lake-land* (Florida) *Ledger* of the ecological ravages of phosphate mining. The *Detroit Free Press* continued its exposure of the sale of meat tainted by PBB. But all told the environment was not heavily represented.

The Minneapolis Star strongly questioned a rape conviction and the Madison, Wisconsin *State Journal* won the reversal of a murder conviction. Conditions in nursing homes were touched on by the *Stamford Advocate* and by the *Newport News Daily Press* (there should have been a hundred submissions on this subject alone) and in institutions for the mentally retarded by the *Orlando Sentinel Star*, the *Providence Journal-Bulletin* and the *Chicago Sun-Times*. The *Sun-Times* also disclosed that shrinks employed by the state mental hygiene department had flunked en masse an easy test for qualification.

The widespread view that Chicago and Philadelphia are particularly corrupt and cynical cities may simply reflect that they are relatively lively newspaper towns. With nine and seven Special Local Reporting entries, respectively, they submitted the most substantial volume of serious investigation. The late *Chicago Daily News* had four entries, including Mike Royko's breezy exposé of an airport vending contract awarded by the late Mayor Daley. In Phila-

delphia the *Inquirer*, in addition to its public-service winner on police brutality, took apart the junketing commander of the Pennsylvania National Guard while the *Daily News* did a job on the high living of park officials and the *Bulletin* exposed deaths by malpractice in hospitals.

In Missoula, or Lubkin, or Boston, wherever reporters cut loose (or were allowed to cut loose), they seemed to hit pay dirt. What was surprising, in the end, was how few investigative stories got to the Pulitzer juries, and how few of those would meet the Lippmann test of exposing the "invisible government."

The Boston Globe, with its Spotlight Team of five reporters, did some expert work in exposing loafing by officials, but hardly hit as close to the bone as did the *Metro-East Journal* of East St. Louis, which exposed the fakery of real-estate tax assessments. There, by the way, is a rich field for investigation that is largely ignored by the press. One wonders why. . . .

Anice distinction is offered by the submissions of the two Gannett newspapers in Rochester, New York. The *Democrat & Chronicle* sought the prize for a series headlined FEDS PROBING SHERIFF'S DETECTIVES, evidently based on information from the United States attorney's office, while the *Times Union* put in a hard-digging exposure of phony insurance fees paid to Republican stalwarts who kicked back part of the loot.

Bureaucratic meanness may not fully explain the failure of most newspapers to release reporters for serious investigation. Publishers may also have some responsibility in the matter. But it is clear that, in every circulation area, there are Pulitzer-size scandals waiting to be uncovered. Newspapers that go after them may not win the prize, but they will earn it. ■

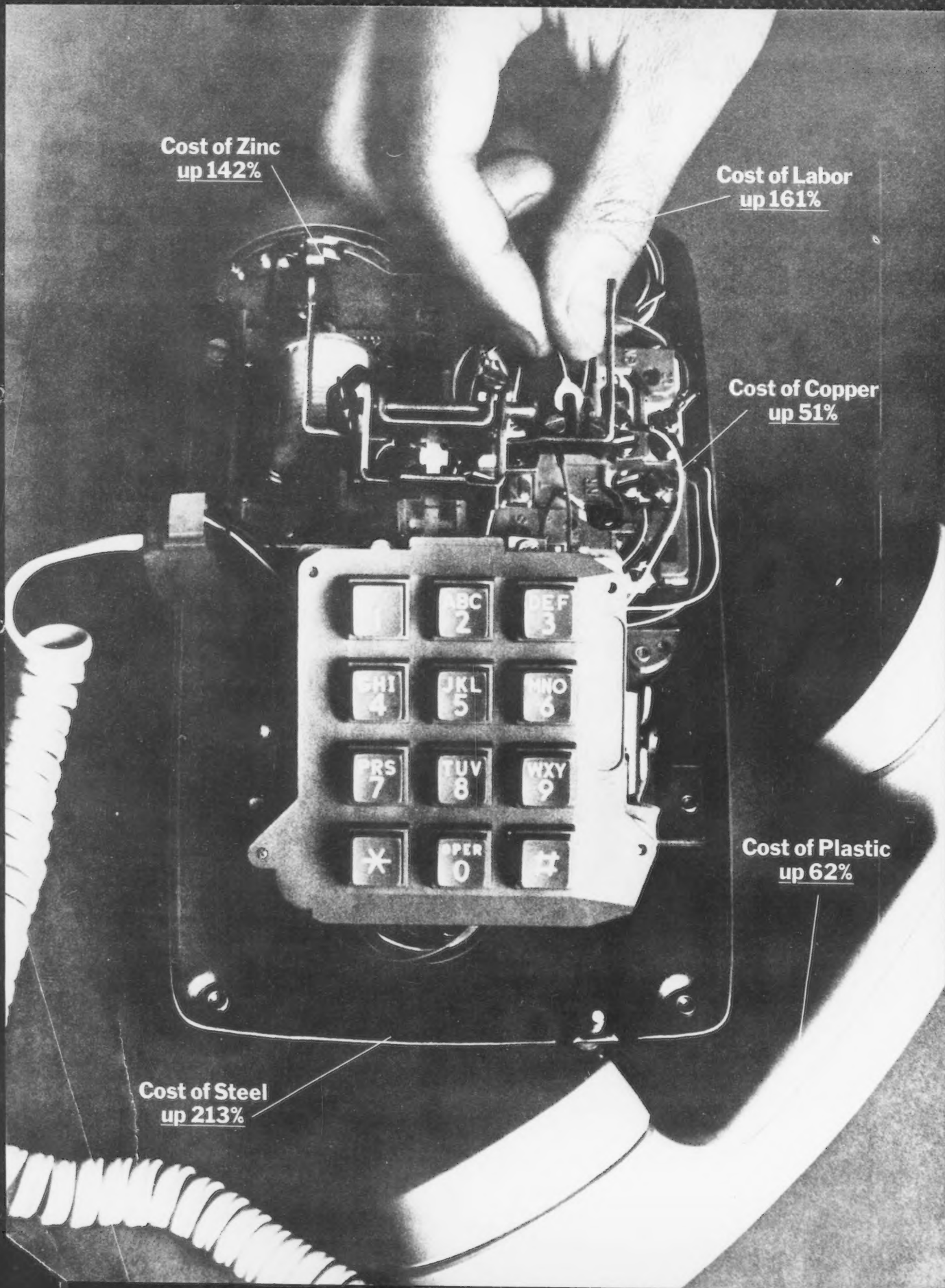
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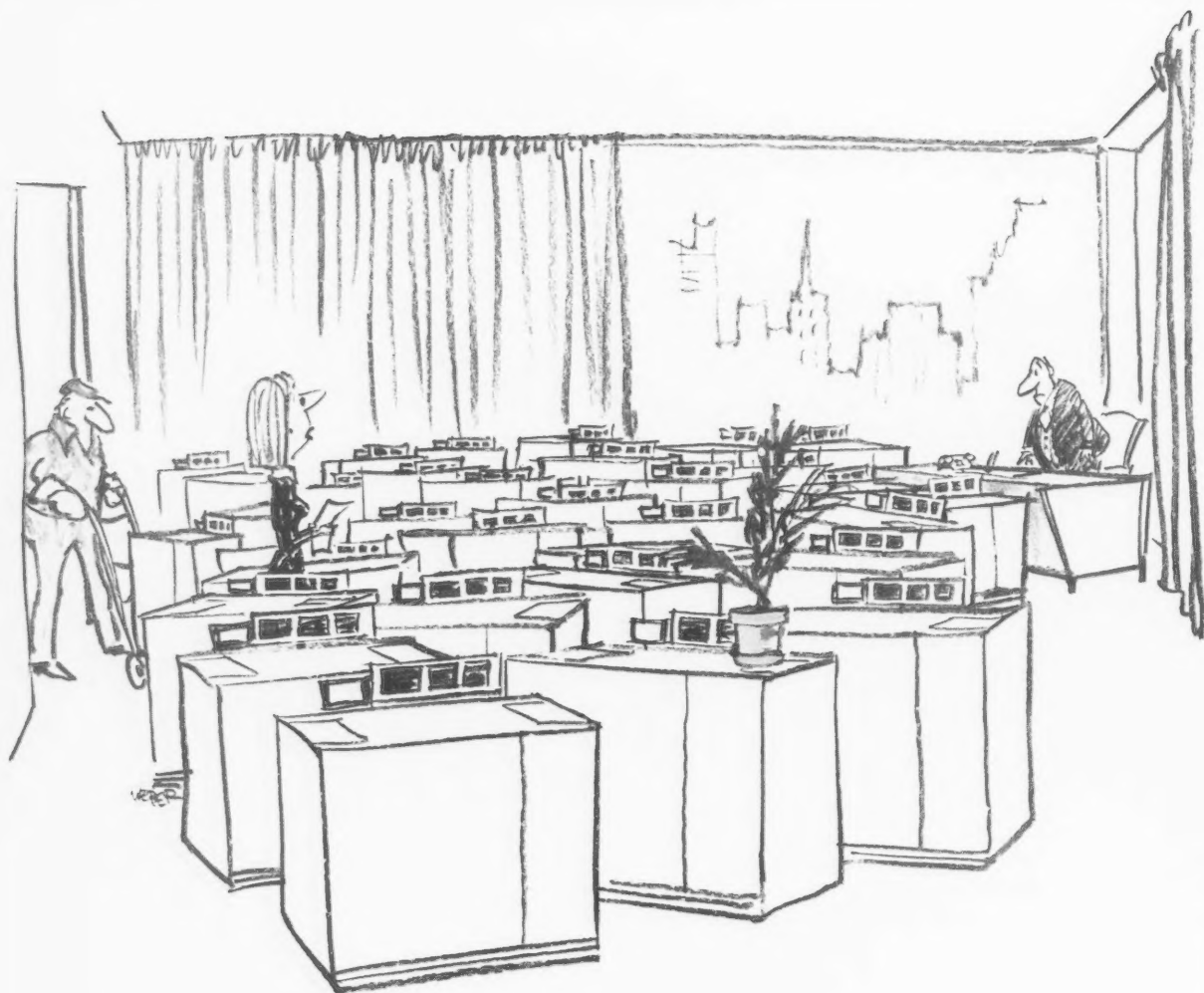
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A thinking approach to news

The nonprofit Pacific News Service uses both reporters and scholars to uncover hidden issues

by DAVID ARMSTRONG

When a Rand Corporation report concluding that the income gap between black and white Americans had narrowed considerably in recent years landed on the front page of newspapers last May, Martin Brown was skeptical. It just didn't jibe with what he had learned as a post-graduate research economist at the University of California. So Brown, who is also an associate editor of Pacific News Service, got hold of the Rand data and ran them through a computer.

Brown's analysis contrasted sharply with the Rand report. Only college-educated blacks, he concluded, had gained on whites in the 1970s, and their advance was losing momentum. Brown also noticed that the Rand report used only wage and salary data. When he combined the Rand data with total income figures from government reports, blacks fared even worse. Brown asked James P. Smith, a co-author of the Rand report about that, and got, if not a capitulation, a concession.

"There has been a decreased participation rate of black males in the labor force," Brown quoted Smith

as saying in a critique of the Rand report released by P.N.S. on May 25. "This would give an upward bias to wage and earnings data because the lowest income black males would be the first to drop out of the labor market."

Brown's 1,300-word analysis was printed in the *Milwaukee Journal*, and black papers such as the *Jackson (Mississippi) Advocate* and the *Oakland (California) Post*. His story, and the way in which it was developed, is in many ways characteristic of P.N.S., an eight-year-old San Francisco-based service. The article reflected the P.N.S. mix of journalism and scholarship and its innovative approach to issue and trend analysis.

It is proving to be a popular formula. P.N.S. subscribers have more than doubled since the summer of 1977—from 90 to 200—and now have a combined circulation of about seven million. P.N.S.'s five-times-weekly mailouts provide eight 900- to 1,200-word stories a week, at rates that range from \$15 a month for small-town weeklies to \$100 for metropolitan dailies. As subscribers to the nonprofit service have increased, its subscription base has changed, with small (under 20,000 circulation) and medium-sized (under 50,000 circulation) dailies in the Midwest, South, and Southwest joining P.N.S.'s older list of alternative, college, and ethnic outlets.

For these diverse clients, P.N.S. has emerged as an inexpensive, professional supplement to wire-service copy, and a source of fresh information on topics that established news syndicates cover unimaginatively or not at all.

The *Wichita Falls (Texas) Record-News and Times*, a 55,000-circulation morning and afternoon com-

bination, are broadly representative of the new breed of P.N.S. subscribers. The papers have taken P.N.S. for a year. They also buy Newspaper Enterprise Association copy, the major wire services, and several *New York Times* columns and features. "Pacific takes timely topics and goes into them in great depth, and the other services we get don't seem to do this," says Carroll Copelin, assistant managing editor of the afternoon *Times*. "Or if they do, you're so damn dry, you're running the readers off. P.N.S. just seems able to outguess everybody else on what's going to be a story."

Copelin cites Mark Blackburn's analysis of the national implications of California's Jarvis-Gann initiative as "the first copy I ever saw on Proposition 13." In a piece released March 15, nearly three months before the tax-slashing measure was approved by California voters, Blackburn accurately forecast the galvanizing effect passage would have on taxpayers of other states, as well as its deleterious effect on California's social services. He added that the measure, seen as a rallying point against big government, would actually "reduce local autonomy by increasing state control over local government finances." The *Times* printed the story, according to Copelin, "because it was interesting." One of twelve Texas dailies that take the service, the *Times* runs an average of five P.N.S. pieces a week on its news, op-ed, and feature pages.

Of course, P.N.S. should have been early with copy on Jarvis-Gann. It was a California story, and P.N.S. is based in California. But more than geography was involved. P.N.S. found the heart of the story

David Armstrong is a free-lance writer based in Berkeley.

because its editors looked for it, and because Blackburn, a former Reuters correspondent, was able to pull together the various strands of a complex story.

Not all the service's writers have strong journalistic credentials. Indeed, not all are reporters. P.N.S. makes use of an unorthodox stable of journalists, political activists, academicians, and newsmakers as contributors. Michael Harrington has written articles on the economy, as have Nat Hentoff on First Amendment battles, T.D. Allman on New York's fiscal crisis, Dr. Thomas Szasz (*The Myth of Mental Illness*) on psychiatry, and embattled author David Rorvik (*In His Image: The Cloning of a Man*) on cloning. But authors are often unknowns recruited from academic and research journals for their specialized knowledge, which P.N.S. editors distill into popular form.

P.N.S. thinks of itself as a center for thinking as well as reporting. Its editors monitor specialty journals, think-tank reports, science labs, and public-interest groups in an attempt to escape what they perceive as a closed circle of media professionals and government sources. This is necessary, according to the managing editor, Sandy Close, to sustain "an innovative, open-ended way of understanding new realities. The challenge is not simply to investigate the wrongdoers, but to ask the how and why, to create a thinking journalism."

For much of P.N.S.'s existence, the challenge has also been to keep the service afloat. Launched in 1970 by the Bay Area Institute, an anti-war think tank, to monitor Pacific Basin countries and the war in Indochina, the service's single-issue constituency all but evaporated with the end of the war. Asian scholar Orville Schell, who founded the service, left to do other work. In 1974, P.N.S. lost its last daily subscriber.

Things started to look up with the arrival of Close in April 1974. A former labor organizer and China editor for the *Far Eastern Economic Review* in Hong Kong, she quickly proved to be an editor, administra-

tor, and fundraiser of considerable skill. Early in Close's tenure, P.N.S. broadened its scope to include coverage of Latin America and Africa, while maintaining its unique Indochina coverage. (Former P.N.S. correspondent Richard Boyle was the last American reporter to leave Cambodia in April 1975; his reports consistently challenged U.S. press accounts of Khmer Rouge brutality.) At about the same time, P.N.S. began domestic coverage. Gradually, several major dailies, including *The Washington Post*, the *Los Angeles Times*, the *Chicago Tribune*, the *Los Angeles Herald-Examiner* and the *San Francisco Examiner*, became subscribers.

Tim Leland, managing editor of the *Sunday Boston Globe*, explains: "When P.N.S. was an alternative kind of thing that was heavily into Vietnam, there were some editors at the *Globe* who grew rather nervous about it as an objective, dispassionate service. For a few years, we didn't do any business at all to speak of. But beginning about three years ago, I became impressed with what seemed to me to be substantive, important reporting on a wide variety of subjects which clearly had no ideological bias."

Further testimony to P.N.S.'s increased professionalism comes from Harvey Myman, managing editor of the *North East Bay Independent and Gazette* (combined circulation 51,000), in Berkeley, California. "P.N.S.'s bias shows in their selection of stories," Myman says. "Within the stories, though, they're balanced and fair." The daily *Gazette* prints an average of three P.N.S. stories a week, and the *Independent* one a week.

Doyle Niemann, managing editor of the socialist national weekly *In These Times* (circulation 15,000), chides P.N.S. for sometimes relying too heavily on one source with whom a writer agrees, or enlisting as writers people whose views should be balanced. As an example of the latter, Niemann cites Ernest J. Sternglass, an outspoken foe of nuclear energy who has written for

P.N.S. on nuclear issues, and who, Niemann says, is regarded with a jaundiced eye "by some people I've talked to in the anti-nuclear movement, even." In general, however, Niemann finds P.N.S. copy "cheap and good," and he uses a lot of it, often building cover stories around P.N.S.'s national reporting.

P.N.S. editors make no effort to conceal their roots in the broad social movements of the Sixties, but they now shun the alternative label, feeling it is no longer applicable. A review of P.N.S. coverage appears to bear out that assertion. P.N.S. handles a wide range of topics and it does so in a generally objective style, with regard for research uncommon in the alternative press of the seventies. Yet there are carry-overs from activism in the way P.N.S. editors apply research and the social context in which they view their work. Referring to his computer challenge of the Rand report on black income, Martin Brown observes, "Just being a conduit is not the kind of journalism we want to do at P.N.S."

Another carry-over is insolvency. Even with recent expansion, subscription revenue will account for less than half of P.N.S.'s \$160,000 budget this year. The rest will come from private donations and foundation grants. P.N.S. pays four full-time editors and a part-time editor and promotion director. Payments to free-lance contributors are modest, averaging \$50-\$75 for a 1,000-word story. (P.N.S. recently became the first news service to sign a contract with the Bay Area-based free-lancers association Media Alliance. The major provisions of the contract, according to a May 24 Media Alliance press release, "include binding arbitration procedures whenever PNS contributors feel they have been unfairly treated; legal counsel for PNS contributors if lawsuits arise from publication of their work; and recognition of Media Alliance as bargaining agent for all PNS writers who want it.")

Occasionally, writers' expenses are picked up by public-interest groups. The California Military Au-



How to tell a diver's in hot water while there's still time to pull him out.

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Who knows how many divers will someday owe their lives to this monitoring system? Hundreds, perhaps thousands.

**The best ideas are the
ideas that help people. ITT**

dit Project supported research for a series of articles on alleged union-busting by Rockwell International last May by John Markoff, P.N.S.'s military and defense-industry analyst. (This was noted in an editor's preface to Markoff's copy.)

P.N.S. also has a radio service, started in 1976, and headed by a full-time news director. P.N.S. radio sells one-to two-minute news feeds, most of them to metropolitan FM stations, for \$75 a month for commercial stations and \$40 a month for noncommercial stations. The radio service, which has twenty-five subscribers, comes closer to being self-supporting than the print side, thanks to its generally higher rates.

With its still-modest resources, P.N.S. cannot hope to match the quantitative output of established news services. So it has elected to concentrate on such subjects as cities, resources, and foreign policy, placing special emphasis on stories where these issues intersect.

The City Project, a task force that includes T.D. Allman, a contributing editor of *Harper's*, and Askia Muhammad, former editor of *Muhammad Speaks*, has produced perceptive copy on urban issues since its formation in May 1977. (The project is a journalistic arm of the Third Century project, an interdisciplinary study of America's future at the University of California, Berkeley, funded by the Ford Foundation.) The October issue of *The Progressive* will be devoted to a 40,000-word report on the future of urban America that grew out of this task force. A similar report was prepared for *Harper's* earlier this year, but when *Harper's* editor Lewis Lapham chose to buy only six of the thirty stories submitted, P.N.S. editors, believing that the report should be published in its entirety, withdrew the copy.

P.N.S. has also provided strong, continuing coverage of the immigration of Hispanics and the resulting changes in the social fabric of U.S. cities that receive them. "Within ten years," Close points out, "California will become the first continental

state with a non-white majority," mostly owing to Hispanic immigration. "Being based in San Francisco is in some ways an advantage," she continues. "It allows us to perceive realities that will eventually affect the whole country. You can examine these realities today in California."

P.N.S.'s distinctiveness comes not only from its geographical remove, but from a world view arrived at in weekly seminars of editors, writers, and visiting scholars and activists. Simply put, it is that, like the stratified nations of Latin America and the Middle East, America is polarizing into a "dual society." In this society, traditional routes of advancement, such as the civil service, are choked off by fiscal austerity and government indifference. Meanwhile, as thousands of illegal immigrants stream across America's southern border, many middle class and working people find themselves locked into a life of dead-end jobs, with inferior health care, housing, and schools.

"The internationalization of the United States is perhaps the story of the 1970s," says Close. "The immigration cycles of poor people around the globe make a mockery of national boundaries." P.N.S. is therefore developing what Close terms "an anthropological journalism" to monitor life at, and near, the bottom.

"How do people trapped in the 'second nation' survive? What tacit agreements with officials allow street gangs to operate? When you put trends together, rather than isolating them," says Close, "you get very exciting patterns."

Two or more elements of P.N.S.'s triad of cities, resources, and foreign-policy priorities often converge in its coverage. A case in point is a P.N.S. report last May 15 of a southern California utility's plan to dodge strict state environmental laws by building a huge oil-fired power plant for San Diego just across the border in Mexico, where environmental safeguards are less strict.

Another is P.N.S. editor Mark Schwartz's series last winter linking Chinese youth gangs to international

heroin trafficking controlled by organized crime. Schwartz was put in touch with Chinese community sources by Franz Schurmann, who speaks Mandarin and Cantonese, after a San Francisco youth gang killed five diners in a popular Chinatown restaurant in what seemed like a senseless crime. (Schurmann provides liaison between P.N.S. and the Third Century project.) Upon examination, the shooting proved to be part of a much larger picture. Schwartz went on to assess the effects of Hong Kong "flight capital" on Oakland's Chinatown, a community rarely on view to local or national press.

Such intersecting stories have often come to nudge aside the strictly foreign reporting in which P.N.S. originally specialized. The service sent editors Clark Norton and Jon Stewart to southern Africa and NATO countries, respectively, on fact-finding tours last year, but demand for foreign coverage among subscribers is weak. According to Norton, P.N.S.'s proportion of foreign stories has dropped from one-half in 1975 to one-third in 1978.

P.N.S. infrequently reaches for a soft-centered entertainment feature, as though for a sweet, but the trend to giddy celebrity-watching is one that the service has generally resisted. If its claims to intellectualism and innovation are ambitious, its track record, logged by editors who handle the service's copy, is competitive. Says the *Globe's* Tim Leland, "P.N.S. seems to be on the cutting edge of a lot of issues in ways I find quite usable."

P.N.S. comes by its edge partly through an outsider's willingness to experiment, to take risks. The service is still too new and too small to have had a measurable effect on the American press, but with its deployment of writers from widely divergent disciplines, its long view of events, and its ability to find the connective tissue that joins seemingly random news breaks, the Pacific News Service may have begun to enrich the idea of news. ■

Announcing The 1978 Media Awards for Economic Understanding.

Rewarding Excellence In Economic Reporting.

Purpose:

For the second year, the Media Awards for Economic Understanding will recognize outstanding economic reporting directed to the general public. The program is designed to stimulate media to initiate economic reporting that is imaginative, interesting and easily understandable.

The program's continuing goal is to improve the quality and increase the quantity of economic reporting in the general media. It encourages and rewards outstanding submissions by media that effectively explain aspects of the economic system to typical audiences—in terms that have meaning for the average reader or viewer.

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A total of \$105,000 will again be offered as awards in 14 media categories, competitively grouped according to circulation or scope of market. In each category a First Prize of \$5,000 and a Second Prize of \$2,500 will be offered. A distinguished panel of judges, appointed by the Amos Tuck School of Business Administration, selects all winners. These winners will be announced and honored at a May 22, 1979, luncheon in New York City.

Eligibility:

Entries must be original works published, broadcast or telecast between January 1, 1978 and December 31, 1978.

Winners in the 1977 Media Awards for Economic Understanding:

In addition to the \$5,000 First Prize winners listed below, nine Second Prizes, three Honorable Mentions and two Special Citations were awarded.

Newspapers with circulations larger than 250,000:

Fred McGunagle, *Cleveland Press*, Cleveland, Ohio, "Cleveland—Going or Growing?"

Newspapers with circulations of 100,000 to 250,000:

Dave Bartel, *The Wichita Eagle and Beacon*, Wichita, Kansas, "Our Energy Search"

Newspapers with circulations of 50,000 to 100,000:

Selby McCash, *The Macon Telegraph*, Macon, Georgia, "Taxes...The Price You Pay"

Newspapers with circulations of 10,000 to 50,000:

Calvin Gatch, *Telegraph Herald*, Dubuque, Iowa, "Agriculture: Farm to Market"

Newspapers with circulations under 10,000:

John Riley, "Dealing in Land," and Seth Rolbein, "The Cape Nursing Home Industry," *The Register*, Yarmouth Port, Massachusetts

Syndicates and Wire Services:

John Cuniff, *The Associated Press*, New York, New York, "Business Mirror," for overall quality in economic reporting

J.A. Livingston, *Philadelphia Inquirer*, Philadelphia, Pennsylvania, for the Field Newspaper Syndicate, "Great Britain in Adversity," for in-depth analysis of a particular subject

Magazines:

Ken Auletta, *The New Yorker*, New York, New York, "A Reporter at Large: More for Less"

Television Network and Nationally Distributed Programs:

Austin Hoyt/Elizabeth Deane/Gerald Lange/Bruce Shah/Janet Krause/Ben Wattenberg, *WGBH-TV*, Boston, Massachusetts, "There's No Business Like Big Business," the tenth show in the *WGBH* series "In Search of The Real America"

Television, Markets Ranked 1 to 25:

Patrick Clawson, *KTVI-TV*, St. Louis, Missouri, "The Co-Op Conspiracy: Pyramid of Shame"

Television, Markets Ranked 26 to 100:

Daniel Miller/John Leindecker, *KDIN-TV*, Des Moines, Iowa, "Farm Digest: Ag Land Trust"

Television, Markets Ranked 101 and Smaller:

Larry Makinson, *KAKM-TV*, Anchorage, Alaska, "Inside the Budget: A Taxpayer's Eye View"

Administration:

The Amos Tuck School of Business Administration of Dartmouth College is sole and independent administrator of the Media Awards for Economic Understanding.

For Entry Blank or Additional Information Write:

Program Administrator, Media Awards for Economic Understanding, Amos Tuck School of Business Administration, Dartmouth College, Hanover, New Hampshire 03755. Phone: (603) 646-2084

Media Awards for Economic Understanding is being sponsored by Champion International Corporation, Stamford, Connecticut.

Deadlines for Entries: January 8, 1979 postmark.

**Media Awards for
Economic Understanding**



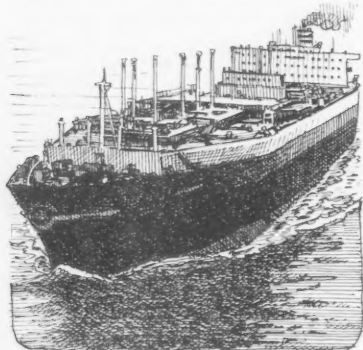
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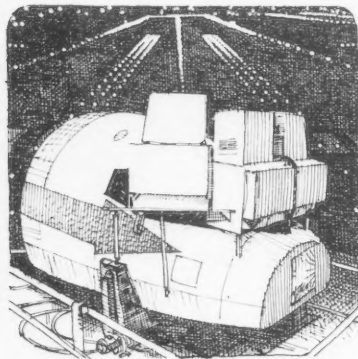
**...but would you expect us to keep
natural gas super-cold, help train pilots
and make electricity from the sun?**



eliminates many repetitive tasks now performed manually, freeing technicians for more useful work.

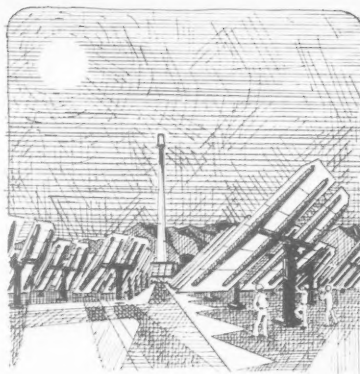
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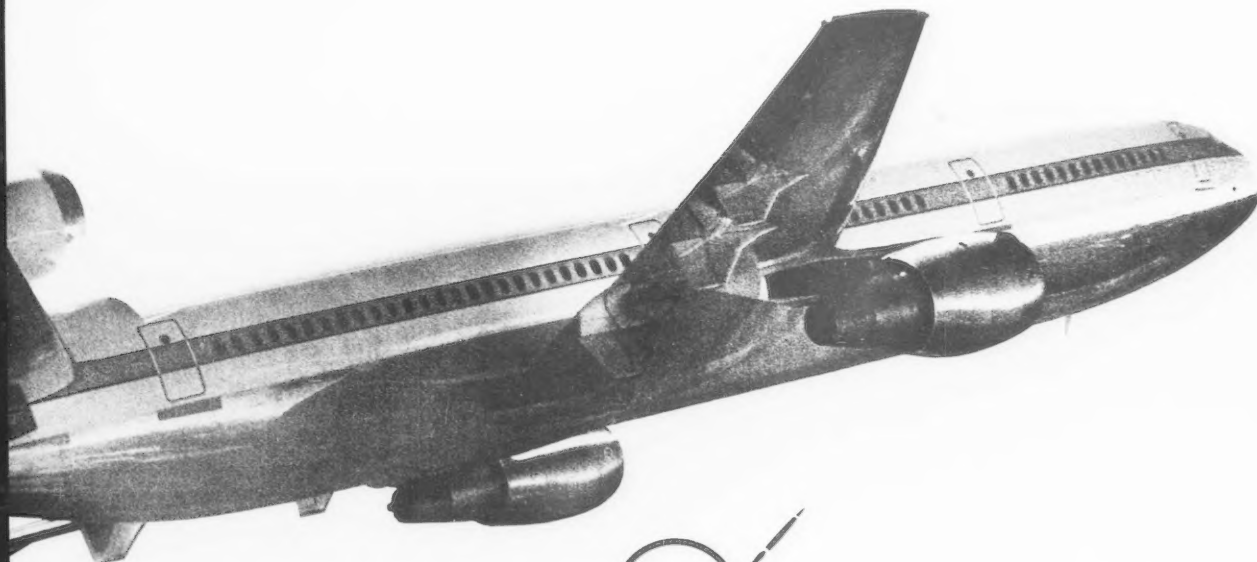
ground training for a dozen pilot training maneuvers that once required costly training flights. One airline, using several of our VITAL systems, claims fuel savings of 4 million gallons a year. Systems are now being introduced for military pilots to let them train for formation flying, carrier landings, air refuelling, even fly combat, all without leaving the ground. Money is saved, time is saved, and safety is enhanced. Early units permitted night training only. Daylight systems are now being demonstrated. For those who are pilots, or who train pilots, it's amazing. For the rest of us, the fuel saved is a godsend.

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Pep pills for the Herald-Examiner

Under a new publisher and a new editor, Hearst's ailing Los Angeles daily is turning handsprings—but is still not out of danger

by BOB GOTTlieb

When the managers of the Hearst Corporation sat down with Francis Dale in March 1977 to work out an arrangement for the publisher of the *Cincinnati Enquirer* to come to the *Los Angeles Herald-Examiner* as publisher and vice-president of the Hearst Corporation, they knew their paper was in deep trouble.

Though the company had just signed a plantwide contract with the News Graphics and Communications Union, the crippling ten-year strike preceding it had seen the *Herald* shrink from a big (725,000 circulation) challenger of the powerful *Los Angeles Times* into a demoralized wreck. The publisher, George Hearst, Jr., and the general manager, George Sjostrom, had used the paper in part for their own gain through a series of private deals while neglecting the *Herald's* economic health and editorial vitality.

After *Los Angeles* magazine printed a story in February 1977 detailing the Hearst/Sjostrom operations, the corporation moved George Hearst

upstairs into the company's real-estate division and Dale came in.

Hearst executives told themselves that the challenge might not be so monumental as it appeared. A survey by the Belden research firm showed a vast, untapped market of newspaper readers in the area; Los Angeles was starved for a good second newspaper. Advertisers had long hoped that they could escape the stranglehold of the *Times*.

Dale's first moves were designed to show that a new *Herald* was in the works. He called his plan "Operation Upward Bound," made the rounds of the talk shows, and sought out a new ad agency. He also got rid of some of the Hearst/Sjostrom dummy corporations.

First priority was to hire an editor. Two names immediately came to the fore: Frank McCulloch, managing editor of the *Sacramento Bee*, who had helped turn around the *Los Angeles Times* in the early 1960s, and James Bellows, another *Times* veteran, who had left nearly three years before to become editor of the ailing *Washington Star*.

At one point, McCulloch engaged in serious "bottom-line" negotiations. According to sources close to the *Herald* management, the fifty-seven-year-old *Bee* editor was offered \$100,000 a year until he turned sixty-five, but when it got down to hard cash for editorial budget the discussions stalled. Hearst executives insisted that the editorial budget would increase only if revenues increased. At that point the talks with McCulloch fell apart.

In September 1977, Dale approached Bellows for the second time. Long, detailed discussions dragged through October into early November, when a contract was agreed on. According to Dale, it had no provisions concerning editorial budget; aside from Bellows's own

salary and benefits, the only major addition was that Bellows would be able to bring in a deputy, for which his choice was Don Forst, managing editor at the *Los Angeles Times's* Long Island subsidiary, *Newsday*.

Bellows faced mixed prospects when he arrived on January 3, 1978: a paper with a strong market potential but little that was worth salvaging editorially. One of the few strong spots in this disaster area was the sports section, a tabloid pullout. According to research studies, the section was read by many people who threw away the rest of the paper.

The staff included, first, old-timers who had crossed the picket lines, and had absorbed the Hearst news formulas and views of the world. But there were also younger reporters, many fresh out of journalism school, who had come to the *Herald* because it was the only city newspaper where they could get a job with no experience.

The business end was also a shambles. Circulation continued to fall even after Dale's arrival, and by the time Bellows came it was down to 320,000 daily and 325,000 Sunday. Retail and classified ad linage had risen in 1977, but national ads had continued to fall. The paper was not moving into the black.

In the summer of 1977, Dale and Dave Feldman, an aide on the business side who had come from Hearst's Albany papers, began to draw up the *Herald's* first serious editorial budget. That budget was a landmark in the program to turn around the *Herald*. For the first time, the Hearst organization indicated, in dollars, how much support it would give the paper.

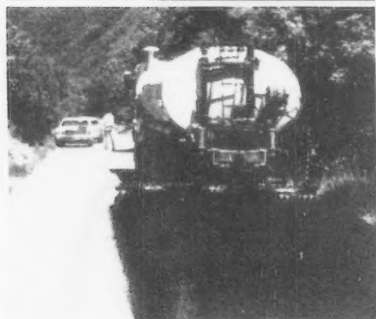
It wasn't much: except for Bellows's own salary and fringes, all new editorial expenditures had to fall within the overall budget. Hearst

Bob Gottlieb's earlier report on the Herald-Examiner appeared in the July/August 1977 Review. This article is condensed from one that appeared in Los Angeles magazine for May 1978.

When you lead all oil companies in patents, you have to be discovering a lot more than oil.

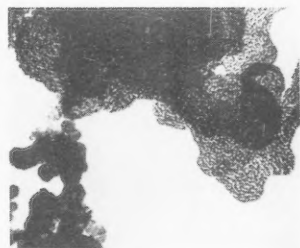


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executives were providing no extra editorial-budget increase as such. To find money for editorial to spend, Bellows could use only savings generated by cost-cutting measures.

In addition, he was promised that profits would be plowed back into the editorial budget, but such supplements remained a distant prospect. For the editorial side, the situation was, and remains, as Bellows describes it, one of "Band-Aids" and "patchwork."

In dealing with the existing staff, Bellows had the opportunity to distinguish between the old-timers, who would have had to be replaced, and the younger, more willing staffers. But that option was ruled out in favor of a strategy of further grinding down. Bellows told another editor: "I wouldn't be unhappy if they all walked out tomorrow."

For those who didn't take the hint, Bellows and Forst pointed the way. The new union contract meant that outright firings were confined to "exempt" employees. For those protected, Bellows could use transfers out of the newsroom into such Siberias as the library or the promotion department. Bellows further added to uncertainty by sending a memo, on the day he arrived, saying that any employee taking freebies of any kind could be fired.

As more employees resigned or were moved out, the new editors began to create a new hierarchy. At the bottom stood the pre-Bellows staff, low in wages and morale. On a second tier was new staff hired by Bellows and Forst; wages for this group were pegged at the top *Herald* union scale, \$267 a week (a little worse than the top minimum at the *Sioux City Journal*). But the editors promised these new staffers choice assignments, overtime, and possible bonuses. A third tier consisted of columnists, writers-in-residence, and free-lancers hired to satisfy Bellows's desire for good magazine-like feature writing. Columnists received pay in the \$20,000 range—but the appeal was again in the challenge, not the cash.

The fourth, most critical, tier consisted of Bellows's new editors, the

theory being that even if you have patchwork staff you can, with the right leadership, still make big changes in the paper. Most of the new group came from magazine backgrounds, and particularly from the *New York/New West/Village Voice* network. Salaries ranged from \$30,000 to \$35,000.

In a tier all by themselves were Bellows and Forst. Though Bellows's own six-figure contract was picked up by the company, Forst's salary and fringe benefits of \$85,000-plus came out of the editorial budget, and made a dent.

The new editors moved quickly to remake the look and texture of the paper. The front page was redone with a "Q & A" feature on the left, a "Bottom Line" feature (mostly

**'Bellows sent a memo
on the day he arrived
saying that any employee
taking freebies
could be fired'**

pickups), a smaller typeface, and fewer headlines, all in the hopes of making the paper easier to read and less "sensational" in tone.

A softer, "happier" approach emerged. "What we want," says Forst, "is life-styles, trends, humorous things. 'People' stories." He constantly emphasized "details," demanding the unusual in a story, the personal touches.

A first application of the new Bellows/Forst formula was coverage of Bubbles, the hippo heroine of the Lion Country Safari. Soon after her escape, the *Herald* began to run a page-one feature called "The Hippo Watch," with its own Hippo Editor (Forst himself) to whom readers could address ideas about Bubbles. According to the two editors, "Hippo Watch" instantly lightened the paper, creating what Bellows calls a "childlike" character. The idea

proved quantitatively successful: More than 11,000 letters, many from school kids, came in over the three-week stretch of hippo stories.

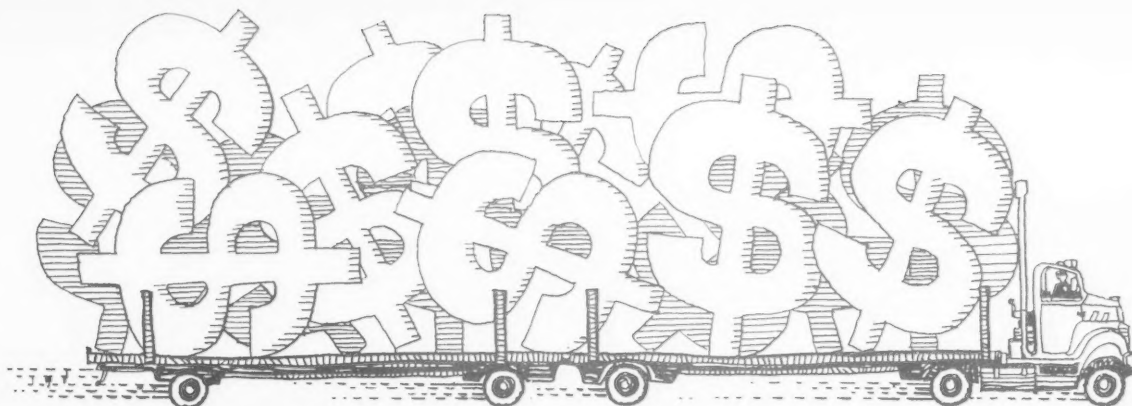
The new *Herald* was destined to be a "fun" newspaper, and nothing was more fun than the gossip column Bellows created within weeks of his arrival: the irreverent, naughty, punchy "Page 2." The column, similar in many respects to the "Ear" Bellows created in the *Star*, operated outside standard journalistic norms of accuracy and truthfulness. "Gossip is reality," a former Bellows gossip practitioner once explained. "It may not be true, but it's real."

Items included pickups from publicity releases, the trade press, or other gossip features, as well as celebrity gossip heard at parties or picked up personally by the editor, Dick Adler, or the writers, Carrie Seidman and Caroline Cushing, as well as Forst or Bellows. Media items were directed mostly at the *Times* ("The Usepaper") and *New West* and *Los Angeles* magazines.

All "Page 2" items were designed to get under someone's skin and any "corrections" requested—even if such corrections were "true"—were simply integrated into the column's mocking style—a technique perfected by the *Star*'s "Ear."

Except, of course, if lots of money was at stake. At the height of the David Begelman affair, "Page 2" ran an item that Ray Stark and Begelman had made a jet flight to location in Spain and had charged the expense off to production costs on the film. Stark, outraged, had his lawyers call Dale, who agreed to a correction. Later, Dale asked to see what Adler had prepared; sure enough, it had that "Page 2" style, implying, "We don't really believe this guy, do we?" Dale insisted on something more straightforward.

"Page 2" demonstrates the new *Herald*'s approach to entertainment-industry news. Indeed, it is here that Bellows feels that the paper must excel. Enter a new features editor, Mary Ann Dolan, formerly at the *Star*, who was attracted to the *Herald* because she felt that Los An-



IT COSTS A LOT OF MONEY TO MAKE PEOPLE THINK

"Trucking" is an essential industry. Yet every year the ATA Foundation spends approximately \$1.5 million dollars to "explain trucking" to the public it serves. Incredible? No, not if you've seen the many **ATA** advertisements in national magazines, heard them on radio, or viewed them on TV. These advertisements, signed jointly by **ATA** members and the Foundation have been running for 25 years.

Why? Because the average citizen (who votes) and legislator (who makes laws) knows far less about the trucking industry—its aims, needs, problems and enormous importance to our economy—than they know about automobile manufacturing or farming. Yet neither of these could exist without truck service. Nor could supermarkets function, medicines reach pharmacies or building materials be delivered to the building site. Trucks carry almost *all* the products of America—from raw materials to finished merchandise—to every city, town and hamlet. Trucks carry goods, all kinds, to the people who need it.

It's unthinkable, but if all trucks stopped deliveries today—our economy would begin to collapse tomorrow.

Nevertheless, this steady and expensive advertising is necessary. Advertisements such as this one are in a sense the trucking industry's health insurance. They are run to "educate" and "inform" citizens, public officials and law-makers—so that they can think and act wisely on issues that can help or harm a sensitive industry. An uninformed, unthinking electorate could crumble one of the foundation stones that supports the highest standard of living in the world.

For example, issues like these:

DEREGULATION

Certain advertisements explain why the trucking industry is solidly against "deregulation". It is most important that law-makers understand this. The Motor Carrier Act of 1935 was designed to protect the public interest by maintaining an orderly and reliable transportation system, by minimizing duplication of services and by reducing financial instability. It is an excellent law that does just that. "Deregulation" would mean that fleet owners would

NOT be compelled to distribute goods to small out-of-the-way towns; truck service would be spotty; vicious competition would erupt for the limited profitable routings and shipping costs elsewhere would skyrocket. Investment "capital" for trucking operation, new replacement equipment and service expansion would flee from the resulting melee.

THE HIGHWAY TRUST FUND

Other advertisements explain why the trucking industry is one of the strongest defenders of the Highway Trust Fund. The Fund was established in 1956. It was created and designed for a specific purpose: to build the vast interstate highway system. Today—these interstate networks get you from here to there, faster and more safely. If you drive a car, you pay about \$38 a year into the Fund in user taxes. Trucks, which comprise only 18.8% of all the vehicles on the road, pay 41.8% of these taxes. Special interest groups, however, repeatedly pressure Congress to divert Highway Trust Fund money to other programs, such as rapid-transit systems for big cities. If that happens—the superb road system you are paying for will not be completed. The ATA Foundation advertisements try to make that vital point understood.

SERVICE & SAFETY

Yet other advertisements describe the rules that trucking companies make for their drivers—rules for driving courtesy, abiding by the laws, vehicle design and handling practices to improve highway safety. Did you know that now the industry is collaborating with government agencies to find a way to control the splash and spray of big rigs on wet highways—so the truck wake does not impair the vision of following and passing drivers? This costs money too.

Monsanto has a deep respect for the trucking industry. Not only do the truckers who serve us have a commendable record for the transport of our agricultural chemicals, man-made fibers, plastics and petrochemicals (upwards of a thousand different products)—but the trucking companies are also solid corporate citizens. We are proud to be associated with such a responsive and responsible industry. And to help in making its voice heard.



AMERICAN TRUCKING INDUSTRY

Monsanto



The man in the middle just won a big award.

This is the true story of the victim of an automobile accident! Let's call him Phil.

A jury has finally² awarded Phil \$12,000 for his losses (and the court tacked on \$1,160 for costs), so why isn't *he* smiling?

Watch closely as the tort system gobbles up that \$13,160:

Phil's lawyer (at right) takes \$6,450 off the top³

Dr. A (at left) gets \$600 in witness fees. (He charged only \$425

for treating Phil in the first place—in this crazy system you sometimes make more by telling a court what you did than you make by actually *doing* it.)

Doctors B and C take \$325 more in witness fees and another \$470 or so falls through the cracks, leaving Phil with a check for \$5,311⁴—nearly three years after his accident.

Now a system that used up 3 years and \$8,000 to put \$5,300 into a victim's hands may strike you as unwieldy. And Aetna agrees.

State by state, we're supporting strong, workable "no-fault" auto insurance plans.⁵ Where no-fault isn't in the cards, we think compulsory arbitration can help get most cases settled faster and more economically.

Lawyers' contingent fees should be better controlled. And, where appropriate, victims' payments should be made periodic, rather than in one lump sum which some outlive and others never need.

Passing the laws to reform this system is slow, frustrating work, but it is the key to controlling auto insurance costs. Don't underestimate your own influence with your elected representatives. Use it as we are trying to use ours.

Aetna wants insurance to be affordable.

¹We've taken poetic license and put a neck brace on Phil, although his actual injuries didn't require it.

²Nearly three years passed between Phil's accident and his award. Such time lags are often a cause of grave hardship, and are a strong indictment of the present tort system. Chief Justice Warren Burger put it this way: "The business of involving the judicial process to dispose of an automobile accident is an expensive and

cumbersome method that should be abandoned, as we did with industrial-injury claims long ago."

³Lawyers handling liability cases generally charge a "contingent fee"—a percentage of the award paid to the victim (the percentage may be as high as 50%). Phil's lawyer claimed 40% of the jury award for his fee plus \$1,650 for certain costs advanced. He later advised the press that he had reduced his fee.

⁴In other words, only 44% of the jury award actually reached the victim. More than half was consumed by the costs of an inefficient system—costs which are reflected in the premiums of insurance buyers.

⁵"No-Fault" is first-party protection. Your insurance covers *your own* medical expenses and lost wages; the losses of whom ever you hit (or get hit by) are covered by *his* insurance. No-

fault has enormous potential for speeding and simplifying claim payments and controlling the cost of auto insurance. Unfortunately, the no-fault laws in many states (including the state where Phil lived) have so many loopholes that they fail to keep most claims out of court. Aetna supports the passage of federal guidelines which would require states to enact strong laws with real consumer protection.

Further information may be obtained by contacting Henry L. Savage, Jr., Public Relations, Aetna Life & Casualty, 151 Farmington Avenue, Hartford, CT. 06156. Telephone (203) 273-6545.



Aetna Life & Casualty,
151 Farmington Avenue,
Hartford, CT 06156

geles media had failed to dig into the Begelman affair.

But the problems of digging into Hollywood were proving, at last glance, to be bigger than the prospects. Not only has the "industry" aspect of the entertainment industry—as opposed to its celebrity machinery—been traditionally closed to the press, but the tendency at the new *Herald* is less toward classical corporate muckraking than toward personality features, and it is these that have emerged in Dolan's "Style" section.

The paper also had problems on the editorial page. Under the old regime, the *Herald* was inflexibly conservative, ornamented by William Randolph Hearst, Jr.'s Sunday column. The Belden research studies showed that, after the sports pages, the editorials maintained the most loyal readers. Any move toward the center of the spectrum carried the danger of losing the old *Herald* loyalists before picking up new ones.

Nonetheless the paper, under editorial-page editor Tom Plate, set out to shift to the middle. A characteristic strategy was that employed on the Panama Canal issue. A *Herald* editorial called the vote of approval on the treaties "A Study in Trivia," and instead of attacking the agreements, as the old *Herald* would have done, or supporting them, declared "on a scale of 1 to 10 (10 being the really big time) the Panama Canal issue is a boring 4." Thereby the paper did not take a position but instead put the vote, as the editorial stated, in its "true perspective." The paper was much less equivocal on the issue of whether cats ought to be limited to one per household. It was against!

Has the *Herald* made progress, as of mid-1978? Circulation hovers around the 323,000 figure, about the same as when Bellows took over in January. Though advertising lineage increased 41 percent during the first half of 1978, the jump has not heartened the new team, perhaps because the total is still only 7,634,000 total lines, up from 5,400,000 during the first half of 1977.

Nevertheless, Bellows under-

stands the realities of the market. "He's the most advertising-practical editor I know," Dale says of the editor. For Bellows it is a question of "psychographics": capture the younger readers, the singles, the "upscale" types, the young movers. He says that he can leave the "stuffer" Establishment audience to the *Times* and capture young people of all ideologies, who "want to know what's happening now" because they are *moving*, both literally and figuratively. Movers, according to studies, buy—and not just such traditional items as clothing, but also waterbeds, stereos, and other high-priced furnishings of the 1970s.

Bellows, in looking for that young audience, has attempted to capitalize on his array of publicity-generat-

**'What started out
as good fun for Bellows
and Forst . . .
has become a replay
of an old formula'**

ing maneuvers, such as the attempted hiring of Caroline Kennedy as a summer intern. But that maneuver backfired when Kennedy declined the offer, precisely because of all the media attention.

The most significant move of the Bellows team was its news and editorial crusade in favor of California's Proposition 13. Through devices such as page-one columns, charts and graphs, and editorial-page features that hammered away at the costs and performance of government à la Howard Jarvis, Bellows's *Herald* became a classic sensationalist Hearst-like product.

On the day after the June election, Bellows ran a page-one banner headline on Proposition 13's victory: CALIFORNIA'S MESSAGE . . . BY A LANDSLIDE . . . THE PEOPLE WON'T TAKE IT ANYMORE, and an unbylined article (written by editorial-

page editor Tom Plate) with a strong dose of opinion and hyperbole. Within weeks Bellows and Forst instituted a page-one feature called "Your Money's Worth," which attacked apparent wasteful expenditures in local government, such as long lunch breaks taken by tree trimmers. When Forst first assigned the story he told reporters, "It's an old chestnut, but it always works."

Bellows began to resemble William Randolph Hearst in more ways than one, with his "entertainment supplied by the news" formulas, and crusades designed for what Hearst called "THE NICEST KIND OF PEOPLE, the great middle class." Ribbed by his editors about the resemblance, Bellows replied, "The Chief was very successful."

The new *Herald* is far from a successful product. While the Hearst Corporation continues to insist that Bellows stay within budget, the new editor has tried to force the corporation to up its investment by immediately improving pressroom facilities and instituting a VDT system. The company wants to see results but Bellows wants to see more money. This stalemate could well lead to a showdown at the *Herald-Examiner* before the year is out.

What started out as good fun for Bellows and Forst—remaking a paper in their own image, experimenting with their sense of journalism as style, good writing, and entertainment—has become a replay of an old formula.

Still, can they really complain? As "Page 2" might say, what better place to have fun and play than in sunny Southern California—home of showbiz, land of stars? The *Times*, my dear, has blown it and we're turning the *Herald* into one swinging cra-a-a-zy product. Every day is a little more crazy, a little more *unpredictable* and nobody's going to say any more there's the same old *Herald*—bor-r-ring!

You can't lose, can you? What can the critics say? Well, kiss off! We're going to have one hell of a lively paper.

And then again, what if somebody said: but what's the news? ■

INTRODUCING THE UN~MEDIA BOOK

It's not magic—it's THE MEDIA BOOK, edited by Ed Papazian, former Media Director of BBD&O and a noted authority on many aspects of media planning and research. It's the most comprehensive study of its kind published anywhere today.

In four basic sections, THE MEDIA BOOK, dissects magazine, newspaper, television and radio—their histories, the growth of their facilities and revenues, basic research methodologies, cost structures and every aspect of their appeal—including demographic profiles, audience reaction and involvement and advertising impact.

Last, but not least, in a special section, THE MEDIA BOOK compares the four media directly both quantitatively and qualitatively. Its analysis highlights many of the landmark studies of the last two decades with focus on the public's response to ads and commercials.

In these times of rising advertising costs and the quest for alternatives, THE MEDIA BOOK is a book you can't afford to miss.

"You have turned out something very valuable. As one of my planners put it, 'With this book you could be stuck on a desert island and still do a good media plan.'"

William H. Lynn
Senior Vice President
Media/TV Programming
Ketchum, MacLeod & Grove, Inc.

"You have done the advertising profession a real service. You have a winner."

Paul Martin
Promotion Manager
New York Daily News

"It's a unique piece of research, magnificently classified and so easy to use...it's a true 'book of knowledge'."

Barbara Ann Zeiger
Manager, Public Relations
Television Advertising Bureau

These are some of the questions THE MEDIA BOOK will answer for you:

- How do the four media stack up in demographics, CPM's, ad impact?
- What TV shows scored the highest and the lowest in viewer attentiveness over the last decade?
- How long does it take for magazines to accumulate their total issue audiences?
- Which newspapers attract the highest percentage of upper income readers?
- What kind of radio formats appeal to young adults, to teens, to affluent listeners?
- How do TV and radio audiences vary seasonally?
- Which editorial items are the most heavily read in daily newspapers?
- How do magazines compare with television in ad recall levels?
- What percent of the average viewer's time is devoted to newscasts, talk shows, game shows, movies, serials, etc?
- How have magazine reader-per-copy ratios changed over the years?

THE MEDIA BOOK is now being made available for sale. Order your copy now before the supply is exhausted. Please send your check or money order with the coupon below.

The Media Book
156 East 52nd Street
New York, N.Y. 10022

CR

Enclosed is my check for \$_____ for _____ copies of The Media Book.

Single copies: \$75 2nd copy: \$60 3rd copy: \$50
4 or more: \$40

Name _____ Title _____

Company _____

Street _____ City _____ State _____ Zip _____

BOOKS

Funny papers

The Smithsonian Collection of Newspaper Comics

edited by Bill Blackbeard and Martin Williams. Smithsonian Institution Press and Harry N. Abrams, Inc. 336 pp. \$27.50 cloth; \$12.50 paper.

Once upon a time in the not too distant past comic strips were a potent force in newspaper circulation. A mass medium that appealed to every section of society, the strips were a device used by publishers intent on increasing profits. Today the comic strips have been supplanted by other media, most notably television. But just as the movies, once the American mass medium par excellence, have become the subject of intense study as their common appeal has waned, so too the comic strips—the print counterpart of the movies—have been adopted as a cultural touchstone. Academics and intellectuals, who in the past often read the “funnies” only to scorn them, now use the comics to explain America’s heritage and probable future. And there is no doubt that ere long we can expect a future dissertation to comment on “*Thimble Theatre* as Americana and sustained comic narrative.”

Happily, the bulk of this book is given over not to an esoteric discussion of the strips but rather to the comics themselves. There are illustrated examples from more than a hundred strips, and these fulfill the editors’ stated intention to present “examples of those works which combine intrinsic excellence and wide popularity with the readers of their time.” The bulk of the selections antedate the end of World War II, for the editors—quite correctly in my opinion—consider “the comic strip . . . to be . . . at its

most varied, inventive, colorful, and in exciting plenty in the thirties and early forties. . . .” In some instances (*Prince Valiant* and *The Gumps* are two) only a few panels are presented. But there are also lengthy, intelligently chosen, almost complete 1930s episodes from strips such as *Dick Tracy* and *Little Orphan Annie*, as well as extensive selections from other favorites such as *Barnaby* and *Thimble Theatre* (i.e., Popeye and his friends).

The selection from *Wash Tubbs* is superb—eighteen weeks’ worth of 1933 strips relating the adventures of the protagonist and his close friend the soldier of fortune Captain Easy on “one of the last of the old time whaling ships,” whose captain and crew are terrorized by a ferocious, bullying first mate. This fascinating, suspenseful, compelling selection includes murder, mutiny, shipwreck in the Arctic, whalehunting, and a tough gun-toting blonde. It is hard to reconcile the narrative power and graphic artistry displayed by cartoonist Roy Crane in these strips with the weak story line and indifferent art work found in his *Buz Sawyer* thirty-five years later, after that strip had deteriorated into foolish cold-war propaganda.

The excellent choice of selections notwithstanding, the organization of the book is poor—and the grouping of the selections seems arbitrary and confused. Blackbeard and Williams fail to make clear their reasons for dividing the book into eight sections or the pertinence of either the whole or its parts to the overall history of the American newspaper comic strip. In fact, the organization of the book smacks of scissors and paste. What text there is reads like a rehash of other commentary on the comics. Nor is it quite fair, it seems to me, given the price of this book (either in

hardback or softcover), for the editors to assert that “extensive discussion of all the material in this collection will be found in co-editor Bill Blackbeard’s forthcoming book” At those prices one can expect the text, however limited it may be, to be more than just a preview of coming attractions.

Despite this book’s flaws, I would recommend it highly to anyone interested in comic strips, especially anyone who has studied them a little. I do this because of the variety and breadth of the comic strip selections. But to anyone hoping to learn a bit more or even to read a sound introduction, I am forced to say, go elsewhere.

DANIEL J. LEAB

Daniel J. Leab is associate professor of history and chairman of the department at Seton Hall University.

Winning the Pullet Surprise

How to Produce a Small Newspaper

by the editors of *The Harvard Post*. The Harvard Common Press. 158 pp. \$9.95 cloth; \$5.95 paper

To the Gannetts, Newhouses, Knight-Ridders, and other giants of the chain gang, *How to Produce a Small Newspaper* may seem as relevant as a manual on butterfly collecting. But to would-be weekly publishers, with Walter Mitty dreams and no money, this clearly written handbook is a sawbuck well spent.

The authors’ sometimes unorthodox advice is based on five years of publishing the 1,400-circulation *Harvard* (Massachusetts) *Post*, a most unorthodox paper serving a small town thirty-five miles west of Boston. The *Post* is put out by Edward Miller, twenty-nine, and Kathleen Cushman, twenty-eight, husband-and-wife editors and publishers, in their home, a rented two-story house in dense woods at the end of a mile-long dirt road. A typesetting machine (nicknamed Typo) hums not so quietly in the living room, interviews



George Herriman's Krazy Kat ran in Hearst papers or Pulitzer's World from 1913 until Herriman's death in 1944. Blackbeard and Williams call it "the most highly praised of all comic strips."

take place in an upstairs bedroom, and pages come together on pasteup tables in the cellar, next to the children's jungle gym and the washing machine. Miller and Cushman, working forty-five-hour weeks, make \$5,000 to \$6,000 a year from the *Post*, (plus other income from free-lancing and book publishing), earnings that would give the ordinary publisher a heart attack.

The *Post* began five years ago when Miller, a Harvard graduate who enjoys writing, tried to pick a career. "I had a choice: being a music teacher in a boys' prep school or working at home doing something. So we decided to start a newspaper." Cushman, a free-lance writer, textbook editor, and mother (now of two), helped nights, weekends, and whenever else she could.

The design of the first issue, an eight-page tabloid, was kept good-gray conservative so that the local Boston Brahmin types wouldn't reject the paper immediately as a hippie rag. But the contents were different, not the traditional small-town, bulletin-board journalism. Miller's humorous "Dark Horse" column jabbed at Ma Bell and, in following issues, blasted a proposed shopping center (as a result, the only local bank stopped advertising). And the paper's free classifieds (now 50 cents per ad) led to a flood of cryptic personals from local high schoolers, causing the *Post* to make its front-page motto one week (the motto changes each issue) "Bring Lovers Together."

The *Post* also is unorthodox in its attitude toward the bottom line, reversing the standard 60-40 advertising-to-news ratio. The paper has no business phone ("too expensive"), refuses to insert advertising flyers ("too garish"), avoids press organizations and their contests ("They're expensive . . . the officers of the organizations are usually the same people who win the prizes"), and refuses to publish special supplements aimed at increasing ad revenue ("They seem pretty dumb to us").

The only special issue is an end-

of-the-summer literary supplement filled with poems, essays, and drawings. The *Post* also is publishing a staff-written comic novel (with Hamlet-style plot line) that will run all year, one episode per issue, and include plenty of Harvard "gossip and spice—the kind of stuff we can't print [as news]," Miller says.

Most publishers-to-be will have to think more about money—bad debts, receivables, payroll—than *How to Produce a Small Newspaper* suggests. "You will have to worry about setting up a payroll system only if you decide to pay people," the authors write. "During the first months of publication of the *Harvard Post* we didn't pay anyone except the printer. . . . Certainly by the end of the first year of publication all staff members and contributors should be paid." Needless to say, some people can't afford to wait that long.

For the publisher who expects to go beyond running a mom-and-pop weekly of the tiniest sort, some of the book's advice may not be the best. Miller, Cushman, and *Post* associate editor Larry Anderson, the book's third author, opt for hand-written subscription renewal notices, inveighing against the "faceless, mindless influence of the computer age." But a computerized billing service may have advantages for the medium-sized weekly, both in terms of information obtained and efficiency gained.

Some of the suggested news policies also deserve a second thought: the exchange of free movie listings for free movie tickets; no by-lines on news articles to "save the reporter from undeserved harassment or embarrassment"; a pay-by-the-inch system for reporters (though the authors do point out that this encourages wordiness.)

The authors, after only a few years on the job, are reluctant to preach about small-town journalism. Quite properly, they stick to what they know firsthand: how to find a good printer; what to look for in

composition equipment; the fundamentals of typography, pasteup, design, and layout. *How to Produce a Small Newspaper* emphasizes composition and production, perhaps at the expense of news and advertising.

The book, nevertheless, is a valuable guide for the newspaper novice. And it's more, a how-to book with a pinch of philosophy. "Ultimately, we believe in small newspapers because we believe in small communities and in the value of their social and political institutions. Each new publication adds to our collective independence by resisting the appalling homogenization of culture and information brought on by a centralized news establishment."

How to Produce a Small Newspaper doesn't tell you the way to win a Pulitzer Prize for local reporting; that wouldn't be fitting from the same people who chose as the *Post*'s motto one week, "Winner of the Pullet Surprise." But the book does help the tyro learn how to publish a newspaper in a town that, like Harvard before Miller and Cushman, otherwise might have to go without.

LOREN GHIGLIONE

Loren Ghiglione is the editor and publisher of The Evening News, in Southbridge, Massachusetts.

The big numbers

The Mass Media: Aspen Institute Guide to Communication Industry Trends

by Christopher H. Sterling and Timothy R. Haight. Praeger, 457 pp. \$22 cloth; \$11.95 paper

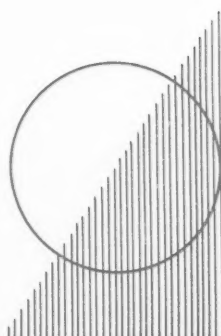
Reduced to statistics, the history of mass media in the United States has an inevitable monotony. Since 1900, the development of media industries has echoed that of the expanding American economy—from small to large, from simplicity to complexity, from scarcity to universality. To take only one major example: advertiser investment in all media has grown from around a billion dollars seventy years ago to \$33.65 billion in

the mid-1970s—an increase that, when expressed in constant dollars, represents almost a quintupling of the media's chief source of support. Similarly, the consumer expenditure from each household (again expressed in constant dollars) has almost exactly doubled since 1935.

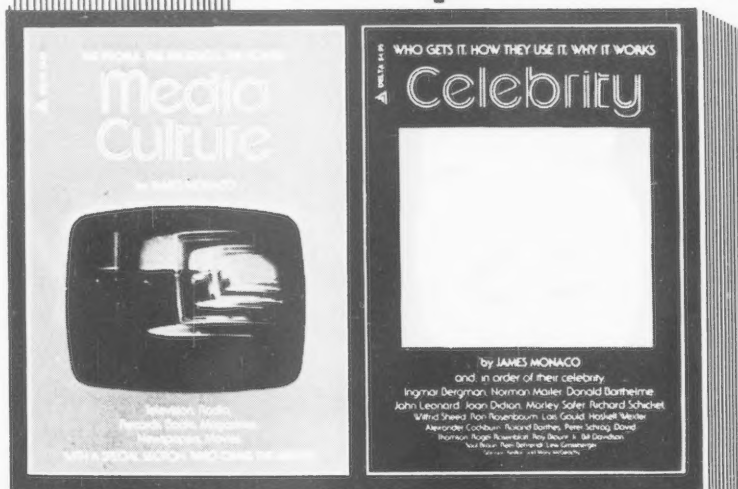
Yet the figures produce interesting eddies and cross-currents. As the analysis by Maxwell McCombs has pointed out, such increase tends merely to reflect national economic growth. Proportionately, Americans do not spend a greater share of their income on media supplies and equipment than they did in the 1930s, and advertiser investment represents a substantially smaller share of the Gross National Product than it did before World War I. Moreover, not all media have flourished continuously. By UNESCO's standard per-capita measurement, newspaper reading in the United States peaked as long ago as 1948, magazines reached their greatest influence around 1954. Yet, contrary to prophecies of doom, the continued growth of radio listening and television viewing has been accompanied by a correspondingly striking growth in distribution of books.

These tales and many more may be extracted from this formidable volume compiled by Sterling, of Temple University, and Haight, of Stanford. Their goal was to assemble "the most significant statistics describing communication industry trends in the United States since 1900." Small wonder that the project took three years from the time it was suggested by Douglass Cater, then director of the Aspen Institute's communication program.

Sterling and Haight not only supply copious numbers about media finances, control, audiences, content, and employment, but also offer discerning comment on the limitations of their figures. There is a useful introduction on just what can and cannot be quantified well in the media field, and each of the more than 300 tables is supplemented by a concise explanation and evaluation. *J.B.*



The media— manipulation with Friendly weapons.



MEDIA CULTURE: Television, Radio, Records, Books, Magazines, Newspapers, Movies

James Monaco Media psychology invades every area of life; products, ideas, and people can be—and are—marketed. This lively and revealing book probes media psychology by delving into the mighty media empires, exposing the powerful media moguls, and demonstrating how various products influence us. Contributors are well-known media experts Nora Ephron, Rust Hills, Robert Alan Arthur, Jeff Greenfield, and Roy Blount Jr., with short pieces by E. B. White, Donald Barthelme, and others.

A Delta Original 59305-0 \$4.95

CELEBRITY

James Monaco At one time only movie stars, presidents, and high-rolling tycoons were celebrities. But now everybody can be Somebody! In a dazzling collection of witty, satiric, and serious commentary on the art and craft of celebrity in America, James Monaco reveals how and why the media create celebrities. Contributors include Donald Barthelme, Roland Barthes, Ingmar Bergman, Joan Didion, Nora Ephron, John Leonard, Norman Mailer, Morley Safer, and Peter Schrag.

A Delta Original 50991-2 \$4.95



DELTA BOOKS

Dell Publishing Co., Inc.
245 East 47th Street
New York, New York 10017



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UNFINISHED BUSINESS

In His Image: fetal flaws?

TO THE REVIEW:

Barbara Culliton, in her review of my book, writes: "I cannot pretend to have seen most of the stories *In His Image* has generated but, with a few exceptions, the *New York Post* among them, coverage in print and on television has been perfectly rational." I agree, but, alas, Culliton's own coverage is anything but rational. She credits me with being "clever," choosing my subject matter "deftly" and says she has to "hand it to" me (albeit, I notice, with her left hand). Unfortunately, I cannot account Culliton even competent, let alone clever, for her review is replete with serious misrepresentations, errors, and assorted cheapshots.

Culliton writes that "Rorvik has us coming and going." Well, certainly, Barbara Culliton is "coming and going" in this review, but that irrational, undisciplined behavior, I submit, is her doing, not mine. She talks about the "utter impossibility" of anyone proving that I made this story up, yet she justifies her pious clucking and finger-wagging by simply deciding (with divine inspiration apparently) that the book is false. Only later in her review does she call on the scientists to help her out.

She says "they" doubt my book because "despite numerous attempts to clone mammals such as mice, the highest order of species that has been cloned to date is the frog." I challenge Culliton to document those "numerous attempts." In fact there have been damned few efforts and they, to put it bluntly, have been half-assed, as I will be glad to demonstrate if and when Culliton decides to do her homework, surveys the literature as I have, and comes up with that little list. Culliton is wrong again when she implies that it is very difficult even to clone frogs. In my analysis of the cloning work of Dr. J. B. Gurdon I believe that I demonstrated, in my book, that the success rate is actually high. I note that science writer Gene Bylinsky, in his recent article about cloning ("The Cloning Era Is Almost Here," *Fortune*, June 19, 1978), reaches the same conclusion, commenting on Gurdon's "phenomenal success

rate." As for using adult cells with which to produce clones, if Culliton had bothered to actually look at the literature, she would know that more than one reputable researcher has claimed—and demonstrated—success with such cells.

Culliton says that unnamed "fetal physiologists" say I am "sometimes just plain wrong" about certain unnamed things I describe. Let Culliton trot out her "fetal physiologists" and have them enumerate said wrongs; I'll be delighted to rebut them one and all. I debated a number of biological researchers on my recent world book tour. Not one came up with a single substantive scientific objection to the events I describe in my book. The best minds of science have failed utterly in their efforts to discover "fatal flaws."

Concerning Derek Bromhall: contrary to what Culliton says, Bromhall has never, in my presence or on any of the radio/TV programs that we shared, disputed the accuracy of my "version" of his work, though he has certainly inveighed against my book in general and has decryd no end the "million dollars" he claims I've earned from it. He has become so obsessed with that phantom million, in fact, that in an absurd \$7 million lawsuit, he has asked the U.S. courts to permit him to share in my profits. In his letter to *Newsweek*, cited by Culliton, it was the *Newsweek* science staff, not Rorvik, whom he quite properly faulted. His version of what he had done was my version of what he had done. He told *Newsweek*: "I cannot agree that 'efforts with mammals have been even less fruitful' than those with amphibians."

Then Culliton repeats that tired old story about Simon & Schuster rejecting my book "on the ground that Rorvik refused to document his claims." This is entirely false. Anyone who knows anything about publishing knows this would be completely out of character for Simon & Schuster. After a chief editor there, in the presence of several others, including my agent, said that he would be much happier if I claimed to have knowledge of numerous clonings in some sort of conspiracy so that the book would, as he put it, sell to

"all the crazies out there." I had eyes only for Lippincott. Besides, it was Simon & Schuster that subsequently purchased paperback rights to my book—for many times what Lippincott paid.

Culliton reaches her nadir, and it's a black one, when she tries to discredit me by claiming that I used my entire Alicia Patterson Foundation fellowship to produce "eight rambling newsletters in defense of laetrile." Such an assertion is either malicious or reckless or both. In fact, only three of my newsletters had as their major subject laetrile, and I was not so much interested in defending the subject (which I have never called a cure for cancer) as I was in investigating and documenting the unfair treatment this substance has received at the hands of Sloan-Kettering, the American Cancer Society, and the National Cancer Institute. My Patterson efforts won me praise from many respected organizations and individuals, including a long-time science editor of the A.C.S.

Having proved that she cannot be rational or fair in her treatment of my book, Culliton proceeds to demonstrate that neither can she be objective about those she believes abetted my cause. "It was the *New York Post*," she writes, "that put Rorvik's book on the map on March 3 with an absurd page-one head: BABY BORN WITHOUT A MOTHER, HE'S FIRST HUMAN CLONE. NOW, I'm not going to claim that the *Post*'s coverage was the most constrained, but there's one little thing that Culliton has willfully overlooked here: a rather prominent kicker to that headline qualified it thus: "Startling claim in book." I think it must be acknowledged that this makes some significant difference. And I think that it must be acknowledged that the sort of basic dishonesty that this omission reveals, along with the other dishonesties enumerated above, demonstrate that Barbara Culliton is unworthy of the pages of *Columbia Journalism Review* or, for that matter, any other serious publication.

DAVID M. RORVIK
New York

Barbara Culliton replies: *Mr. Rorvik is consistent: his letter has the same probity as his book.*

continued

Comparison clarified

TO THE REVIEW:

Re Steve Erlanger's "Vietnam Now" (CJR, July/August): A correction. Either I misspoke myself or I was misunderstood by Erlanger when he quotes me, in passing, as saying, regarding *The Washington Post's* relative neglect of the Vietnam "boat people" stories so vigorously pursued and well-displayed last year by *The New York Times*, that "they're just not that interested in foreign news anyway."

That's unfair to the *Post*. I think it is fair to state that the *Post* management, traditionally oriented toward Washington politics, is not as interested as the *Times* in foreign news. The *Times* maintains some thirty-odd staffers abroad (despite cutbacks), and starts its inside-the-paper foreign news section on page 2. The *Post* has a dozen staffers overseas, and usually starts its inside foreign news midway through the paper's "A" section. Yet, weekday space allocations to foreign news, it would appear, are often roughly the same on both papers.

I have worked overseas for both newspapers under highly competent foreign editors in each case. The *Post's* dozen have gotten their share of the prizes, and, on occasion, have more than matched their numerous *Times* competitors in depth and sophistication of coverage. The *Post*, of course, could do more. But several bigger national newspaper organizations do nothing overseas at all.

PETER BRAESTRUP
Editor, *The Wilson Quarterly*
Washington, D. C.

Insurance story: prior claims

A laurel in the July/August issue to *60 Minutes* for its report on the ties between the American Association of Retired Persons and the Colonial Penn insurance companies has elicited a couple of letters pointing to similar—and earlier—stories by others. In March 1975, writes William S. Rukeyser, managing editor of *Money*, the magazine focused on the connections in an article by Jeremy Main, "A Word to the Wise About Old Age Groups." And as long ago as 1972, the relationship was exposed by Morton Mintz in a six-column story in *The Washington Post*, with follow-ups in 1974, 1976, and 1978. Nevertheless, writes Mintz in his letter to the *Review*, the laurel to the program was well deserved. "*60 Minutes* did one

helluva job—and that's what's really important. . . . It did things that we, in print media, can't do, such as the 'empty chair' cliché which, surprisingly, worked."

Glass houses and faulty construction

TO THE REVIEW:

I always learn something about the English language from your magazine, but in the May/June issue I learned more than I bargained for. In your "Publisher's Notes" section, for example, I was fascinated to discover that *The New York Times* and Lesley Stahl commit such grammatical gaffes as: "New York City expects to have almost twice as much cash on hand at the end of the current fiscal year than projected a month ago . . ." (the *Times*), and "four times as many than . . ." (Stahl).

Just as I thought I was getting the hang of it, I turned to page 35 of your magazine and came across this sentence: "Equally clear . . . is that Chicago's need for such a window to the world [the *Chicago Daily News*] is as great, or greater in the 1970s than it was in the 1930s . . ."

So now I'm supposed to understand?

CHRIS WHIPPLE
New York

The editors reply: *Awkward English is as unwelcome in the Review than in The New York Times.*

Sexonomics

TO THE REVIEW:

Kenneth MacDonald's argument against censoring pornographic movie and massage parlor advertising ("Should Newspapers Be Policing Sex?" CJR, May/June) was adroitly stated. Still, readers may be suspicious of it on several counts.

First, acknowledgment of the profit motive was conspicuous by its absence. MacDonald argues that it's not the proper function of newspapers "to force out of business" unsavory enterprises as long as they're legal; would that idealism stand if it weren't supported by thousands of dollars in advertising revenue? What if a particular bit of ad matter actually endangered the newspaper's revenue—say, an ad urging a boycott of the newspaper? Are we to believe the newspaper would or even should cling to MacDonald's liberal principle in that instance?

The fact is, some newspapers have rejected advertising that posed an economic threat. In a case I know of, advertising of an out-of-town furniture outfit notorious for hit-and-run tactics was rejected to preserve the economic well-being of community-based firms, which, of course, over the long haul do far more advertising with the newspaper in question than their fly-by-night competitor ever would. In short, MacDonald's principle that any legal operation's advertising ought to be published does not always square either with sound business practices, or the hard-nosed realities of the fourth estate.

Second, are we seriously to believe that whatever is legal is necessarily morally acceptable or that a newspaper should never use more than words against it? For example, organized crime remains largely untouched by the law, but most newspapers preach long and loud against "Mafia ties." Would MacDonald reason that the same newspapers should knowingly do business with gangsters simply because they haven't yet been convicted of anything?

Incidentally, the influence of organized crime on the production and distribution of pornography has been well documented. A strong case could be made that newspapers might break the circle of gangland pornography profits by rejecting connected advertising.

Be that as it may, is it really anything other than hypocrisy to wax morally indignant in the editorial columns while promoting a blight in the advertising columns? Editors take solace in the separation of editorial and advertising functions, but the public is justified in saying, "Put your money where your mouth is."

Finally, MacDonald's readers may wonder if distinguishing which advertising to reject is the insurmountable problem he presents it to be. They may wonder what newspaper executives do to earn their hefty salaries if it is not to make tough decisions. Yes, individual and corporate responsibility is a fear-some thing; yet if newspapers, which do more moralizing than any other business, are reluctant to accept it, who else is likely to?

C. RANDALL HEUSTON
Davenport, Iowa

Sun spots

Several readers have written to point out that an article in the July/August *Review*,

"What Is the Toronto Sun?" by David J. Fenech, contained inaccuracies. Contrary to the author's statement that the *Sun* publishes Canada's only English-language Sunday newspaper, there appear to be at least three others: the *Toronto Star*, which began publishing a broadsheet Sunday edition in October 1977; the *Victoria* (British Columbia) *Colonist*, which publishes every morning except Monday; and the *Edmonton* (Alberta) *Sun*, a tabloid which was launched on April 2, 1978. Further, according to Bruce Gates of York University, the oldest newspaper in Toronto was not the *Telegram*, as Fenech wrote, but the *Globe and Mail*—unless one counts that newspaper's existence only from the time of the *Globe's* merger with the *Mail* and *Empire* in 1936. The *Globe*, notes Gates, was founded in 1844, the *Telegram* in 1876—and the latter's experiment with a Sunday edition, adds Robert Crichton, media relations editor at Ontario Hydro, was not ten, but twenty years ago. "As for the *Sun's* actual reportage," observes Gates, "it is true the newspaper is no match editorially for the *Star* or the *Globe and Mail*. However,

apart from the *Sun's* penchant for sex and crime stories, I submit that all three newspapers treat other news stories in similar ways." Finally, Hartley Steward, who was quoted in Fenech's article as news director of the *Sun*, currently is executive editor of the *Sunday Star*. "I imagine that Mr. Fenech wrote his article several months ago, probably before the *Sunday Star* published its first edition," guessed Crichton, correctly, and J.D. MacFarlane, editorial director of the *Sun*, also wondered when the report was composed. "I could say that Fenech's view that 'the *Sun* stories are often poorly written' might apply to his own," wrote MacFarlane, "but charity prevents me from doing so." As for the *Star*, complained John G. Miller, its Sunday editor, its pride was hurt at the arbitrary exclusion from the Toronto market. "There are," he pointed out, "270,000 Canadians who say you're wrong."

Brown lung (cont'd)

TO THE REVIEW:

It seems there is no end to the innuendo that permeates the *Columbia Journalism*

Review regarding our coverage of the brown-lung controversy.

Under the guise of allowing response to your original article, you provided yet another forum for author-activist Bob Hall to wrong our newspapers. Although conceding the outstanding coverage by Bob Raissman, Hall seeks to disqualify these articles in evaluating our coverage because Raissman was fired.

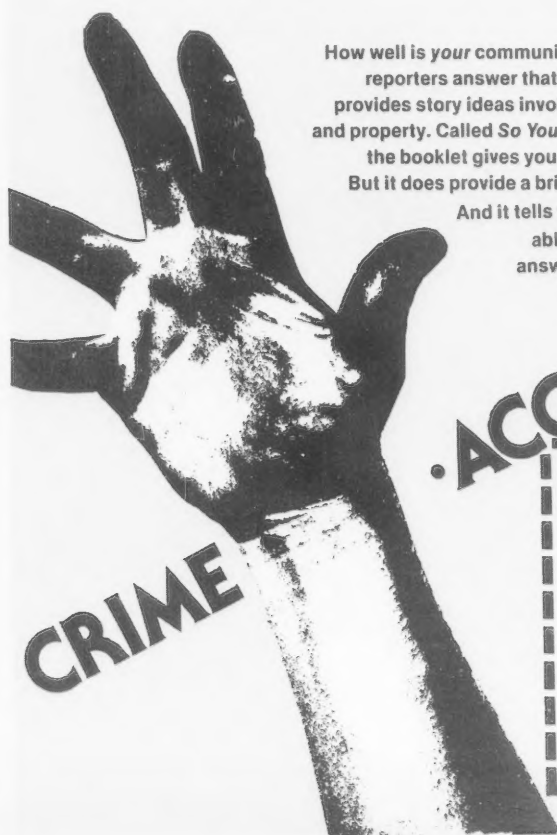
Raissman is an outstanding young journalist; he was not fired for anything he ever wrote in Greenville, and if he says he was I will personally pay for the space in *CJR* to print it.

As for *CJR* and its editors, I can only conclude that they are ethically unfit to sit in judgment of our newspapers.

JOHN S. PITTMAN
Managing editor, *The Greenville News*
Greenville, S.C.

Deadline

To be considered for publication in the November/December issue, letters to the Review should be received by September 25. Letters are subject to editing for clarity and space.



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The national guilt complex • Achievement or original sin • Production vs. atonement

Judging by some of what we read and hear, self-flagellation seems about to become the order of the day. Much of whatever Americans do or achieve or enjoy is termed immoral or otherwise indefensible, and what people in other countries do is hailed as the shape of the future, morally speaking.

Well, now.

A lot of this national guilt complex depends on how things are put.

Suppose, for example, we ask you, "Do you think it's right for the United States, with only 5% of the world's population, to consume 28% of its energy?" That might be your cue to beat your breast and cry, "Heavens to Betsy, no! How could we do such a thing? And how can we atone?"

Suppose, however, we rephrase that question and ask you, "Isn't it remarkable that the United States, with only a twentieth of the world's population, can produce a fourth of the entire world's goods and services? And that we have become the industrial and agricultural breadbasket of the world... a prime purveyor to the hungry and the needy abroad?"

"Gee," you might say. "Just shows you what the old Yankee ingenuity, along with hard work and clean living, can do."

We can stomach breast-beating or a hair-shirt demonstration, if that's what gives the other fellow his kicks. But the point we want to make is that nobody in this country has to beat himself over the head just because he's adequately fed and clothed. Mankind has always striven for a land flowing with milk and honey, not a land short of necessities and barren of luxuries, long on deprivation and longer on austerity.

This is not a plea for devil-may-care hedonism. On the contrary, we are trying to make two points:

(1) Gratuitous martyrdom is an exercise in futility.

(2) When someone tries to make you feel guilty because our country has achieved to a considerable degree what all countries strive for, don't leap to the bait. Remember, it's possible to state even the most positive accomplishments in a way that makes them sound like original sin.

We get the distinct impression that most of the people who berate this country for its productivity are themselves quite well fed, well clothed, well housed, and, possibly as a result, feeling guilty. We cannot believe that Americans can solve, or even alleviate, the problems of this country and the rest of the world through starvation diets or by sleeping on a bed of nails. A refrigerator or a loaf of bread or a pair of shoes not bought and used in the United States is not automatically going to end up in some less-developed country.

The point is that our country is so productive, despite all the roadblocks thrown up by government and others, that it can turn out an almost unbelievable volume of goods—enough to supply the domestic market and still have a lot left over to export. If you want more U.S. money and food and other goods sent to needy peoples abroad, fine; tell your Senators and your Congressman so. But don't feel guilty about living well if you already do, or about wanting to if you don't.

We are not trying to promote gluttony or even conspicuous consumption. We are trying to deflate what strikes us as nonsense. Life is short, and people who work hard and productively shouldn't reproach themselves over their rewards, especially since producing for plenty makes society a lot more comfortable than sharing unnecessary shortage. To some people pleasure may be a little sinful, but if there were no sin in the world, what would be the benchmark for virtue?

Mark Twain once commented that on the basis of the information reaching him, his choice would be heaven for climate and hell for good conversation. Maybe he had something there.

NATIONAL NEWS COUNCIL REPORT

Statement on search and seizure

The rights guaranteed to the press by the First Amendment in fulfillment of its vital service to the public as conveyor of information are put in new jeopardy by the Supreme Court's 5-to-3 decision in *Zurcher v. Stanford Daily*.

The knowledge that the police, armed with search warrants issued by a magistrate in an *ex parte* proceeding, may make surprise raids on the offices of news organizations or on the homes of their reporters or editors to examine all their files and seize notes, films, documents, or anything else they consider relevant to a criminal investigation is certain to inhibit severely the readiness of news sources to volunteer confidential information. Yet the Court rejected every such concern. It would not even acknowledge the possibility that searches could prove physically disruptive to an extent that might delay news publication. This in face of the fact that a search made by the police at a Los Angeles radio station actually did last eight hours.

The irony is that the Court prefaced its destructive redefinition of the Fourth Amendment with a strong statement of its awareness that the struggle out of which the amendment was born was "largely a conflict between the Crown and the press." It restated a 1961 admonition by the Court that, in issuing search warrants and determining the reasonableness of a search, judges should be

The reports of the National News Council appear in the Review as pertinent information and as a convenient reference source. Publication, which is made possible by the William and Mary Greve Foundation, does not imply approval or disapproval of the findings by the foundation or by the Review.

This report includes the findings issued by the Council at its meeting last June 26 and 27 in New York.

mindful that "unrestricted power of search and seizure could also be an instrument for stifling liberty of expression."

Yet, for all its acknowledgment that the Fourth Amendment had particular relevance to the need of the press for freedom from state domination or intrusion, the Court's only explicit caution with respect to warrants authorizing surprise raids on the press was to reiterate a 1965 statement that the rules governing their issuance must be applied with "scrupulous exactitude" where the material to be seized might be protected by the First Amendment.

But this reaffirmation of the Court's position of more than a decade ago is difficult to reconcile with the restrictive spirit of the newly announced standard. One of the reasons given by the majority to explain why warrants authorizing police raids without notice might be preferable to subpoenas directing newspapers to produce the specific documents or information wanted was that shield laws enacted by twenty-six states to safeguard the press against disclosure of confidential sources might be used to assert objection to compliance with a subpoena whereas such objections would be "largely irrelevant to determining the legality of a search warrant" under the Court's view of the Fourth Amendment.

Until 1967 the Fourth Amendment was interpreted as restricting the issuance of warrants to searches for illegal drugs or other contraband, weapons, or loot. In that year the Supreme Court first found sanction in the amendment for warrants authorizing searches for any evidence or information relating to a crime. It is not within the appropriate purview of the National News Council to assess the correctness of that judgment or comment on the degree to which it impaired the Fourth Amendment's utility as a protector of "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures."

But the extension of this new interpretation to the press constitutes a threat to its essential news-gathering mission with such potential for harm that it requires prompt legislative remedy at both the Federal and state level. What all this

means is that freedom and a free press, inextricably intertwined as they have been throughout the course of American history, have suffered a serious setback. The Council welcomes the assurances given by Vice-President Mondale and the Justice Department that the Carter administration will seek measures to limit the damage to the press through exercise of administrative restraint. Congressional action would be a helpful reinforcement for these assurances.

Similarly, the Council endorses emergency legislation at the state level. This would provide desirable safeguards against newspaper search in the absence of reasonable proof that the desired material would otherwise be destroyed or removed from the state. What larger remedies may be needed to make secure for all citizens the freedom from unannounced raids and search the Fourth Amendment was designed to guarantee

**'What all this means
is that freedom and a
free press have
suffered a serious setback'**

is beyond the scope of this Council to recommend. But it is appropriate for the Council to remark on the danger to the individual citizen posed by this latest threat to press freedom. The attention drawn to the problem by the Court's construction in the *Stanford Daily* case makes this a proper matter for public review.

Concurring: Ghiglione, Hauser, Huston, Isaacs, McKay, Pulitzer, Renick, Roberts, Salant, and Scott.

Dissenting opinion by William Rusher: In seeking special privileges for themselves, under novel and strained interpretations of First and Fourth Amendments to the Constitution, spokesmen for the media (including this Council) are embarking on a new and fateful course: they are deliberately seeking to distinguish the media from the people as a whole. In so doing, they run a grave risk of alienating the public permanently.

The Council majority, following the

almost uniform practice of media commentators since the *Stanford Daily* case, treats that case as a grave new "threat to press freedom." In point of fact, it had nothing new—unless the press is understood to be entitled, or previously to have been entitled, to unique privileges and/or immunities of some sort (the extent of which is, significantly, left unstated).

The Court majority has shown a lively respect for freedom of speech, and every intention to assure it to the nation's media. To demand more is to run a grave risk of ultimately winding up with much less.

Concurring: Brady.

Federal workers: 'Time' on their hands

Issue: Did a feature article in a national news magazine unfairly malign federal employees? Was it so biased and misleading that it went beyond the bounds of acceptable journalism?

Complaint: The A.F.L.-C.I.O. Public Employee Department (P.E.D.), through its president, W. Howard McClellan, complained that a *Time* magazine article (March 6, 1978) entitled "The Battle over Bureaucracy" consisted of unsupported statements of opinion "disguised as straight news reporting." The P.E.D. wrote, "The editorial bias in this article is so overwhelming, so blatant, that acceptable standards of journalism are violated."

In response, *Time* managing editor Ray Cave wrote that "what appears to be *Time*'s opinion is based on solid evidence. While the Public Employee Department is free to disagree with what we say, our opinion is no less valid or worthy of expression than theirs."

The complaint listed eight specific examples of "misleading and inaccurate information," and the *Time* response included a point-by-point rebuttal.

□ The P.E.D. charged that the article left the misleading impression that the sole reason for President Carter's civil service reform plan is that federal workers don't work hard enough, when in fact the chief purpose of Mr. Carter's plan is to revitalize the system of management. *Time* replied that it had put plenty of the

blame on the stifling bureaucracy with its expanding regulations. "We are not indicting an entire workforce," *Time* wrote. "Only those who shirk, or who, because of the system, are not required to work very hard."

The News Council concluded that the *Time* article never said the only purpose of President Carter's plan was to make federal employees work harder. "While the article was critical of workers," the Council said, "it also asserted that there were many problems with the system of regulations under which the workers have operated." The Council found that *Time*'s decision to focus on worker performance was a reasonable exercise of editing judgment.

□ In discussing pay raises for federal workers, *Time* said, "The 18 General Schedule (GS) grades of the civil service are largely insulated from outside pressure." Calling this statement "simply not true," the P.E.D. said the general schedule had been subjected to wage controls imposed by the president. In response, *Time* said its statement had nothing to do with wage controls imposed on the size of federal pay raises. The point of the passage, *Time* said, was that merit in terms of competent performance was a secondary factor in the granting of pay increases to individual workers.

The Council supported *Time*'s view of the meaning conveyed to readers by the passage in question and concluded that the P.E.D. had provided no evidence to demonstrate that *Time*'s statement was inaccurate.

□ The article said, "The repeated raises have brought federal employees to high salaries, ranging from a stenographer's \$9,600 to an assistant department head's \$47,000 (and they are exempt from Social Security taxes)." Regarding this sentence, the P.E.D. said, "*Time* doesn't bother to mention that federal workers pay seven percent annually into their pension system . . . and that federal employees do not receive Social Security benefits (unless they've met the minimum vesting requirements under the law)." In its response, *Time* pointed out that a public employee could leave the civil service, get a job in the private sector, and eventually receive Social Security as well as civil service pension benefits. *Time* said it chose to mention that federal workers pay no Social Security taxes because the rise in these taxes "has become a growing concern among the American taxpayers."

The Council decided that the *Time*

statement could be interpreted to mean that federal employees have considerably less money deducted from their wages than private employees. Noting that the federal workers pay 7 percent of their salaries into their own pension fund—a higher figure than the current 6.05 percent Social Security tax rate—the Council majority found *Time*'s statement seriously misleading and voted to find this portion of the complaint warranted.*

□ *Time* asserted that the bureaucracy "produces less while earning more for itself." The P.E.D. argued that what statistics are available show that federal productivity has been increasing in recent years. *Time* contended that no accurate system exists for measuring government productivity and said it relied on reports from correspondents who interviewed federal employees and administrators. The Council found no fault with *Time*'s decision to base its assessment of government productivity on first-hand reporting.

□ The P.E.D. called "untrue" *Time*'s

'Our opinion
is no less valid or worthy
of expression
than theirs'

statement that "secretaries, stenographers, keypunch operators and other clerical employees for the government often earn more than similar workers in private industry." The complaint said that in the past five years salaries in the private sector have been rising considerably faster than those in the federal sector. *Time* replied that it had based its statement on a Civil Service Commission study and that it had singled out only certain classes of workers. The magazine qualified its statement further, *Time* said, by "saying that these workers often, not always, but often can earn more than their counterparts in the private sector."

The Council noted that the comparability of federal pay to private pay was a matter of controversy and that numerous experts could be lined up on either side of the issue. Considering that some studies have suggested that federal workers are overpaid, the Council concluded that *Time* was justified in making the

*Brady, Ghiglione, Huston, Roberts, and Rusher voted to find this portion of the complaint unwarranted.

qualified statement that certain classes of federal workers often earn more than their private-sector counterparts.

□ The P.E.D. accused *Time* of manipulating statistics by saying, "The bureaucracy has grown by 15% in 20 years, and bigger has not meant better." The complaint noted that while the size of the federal work force had grown rapidly between 1957 and 1967, the size had remained stable since 1967. In response *Time* said, "We purposely chose the 20 year period as a significant span of time. . . . Much of the workforce increase occurred in the 1960's when Lyndon Johnson pushed his Great Society program and any discussion about the growth of public employment should include these figures." The Council concluded that it was within *Time*'s editing prerogative to choose a twenty-year time span.**

□ The article said, "Average hourly wages for U.S. Postal employees are one-third higher than the average for insurance and telephone companies and electric utilities." The P.E.D. called this "an obviously unfair comparison," and said that employees of the postal service's only direct competitor, the United Parcel Service, make more money than postal workers. *Time* replied that U.P.S. was not comparable to the postal service because it "carries only packages" and "does not actively solicit business from the general public." *Time* asserted that "a fairer comparison existed between the Postal Service and other service industries, such as insurance, telephone and utility companies." The Council decided that "it was within *Time*'s editing discretion to make the comparison as it did."

□ The P.E.D. charged that *Time* unfairly misrepresented the role of collective bargaining in the public sector by saying that federal employee unions "will demand a collective bargaining clause which could lead to the same kind of excessive demands made by municipal unions." *Time* replied that "a growing militancy on the part of municipal workers," leading to "slowdowns and strikes across the country," has caused its editors to conclude that "a collective bargaining clause for federal government employees could reach the same end." The Council said that whether or not municipal union demands are "excessive" was a matter of subjective judgment and

that the *Time* statement was not demonstrably inaccurate.

General conclusion: "The Battle over Bureaucracy" was a piece of opinion journalism as Mr. Cave of *Time* described it in his letter to the Council. By definition, such writing expresses a point of view, and, with the exception of one seriously misleading statement about Social Security taxes, the Council does not believe *Time* violated "accepted standards of journalism."

Concurring: Brady, Ghigliione, Huston, Isaacs, McKay, Pulitzer, Renick, Roberts, Rusher, Salant, and Scott.

Concurring opinion by Mr. Ghigliione: Ray Cave, *Time*'s managing editor, says, "What appears to be *Time*'s opinion is based on solid evidence." Whether the evidence is solid or not, *Time*'s opinion should be appropriately identified. The reader of *Time*, a newsmagazine, not a journal of opinion and commentary, has a right to expect that "The Battle over Bureaucracy" and similar articles are news reports, written in adherence to traditional journalistic standards of accuracy, fairness, and objectivity, unless clearly labeled as opinions.

Council to study ownership impact on press

The National News Council has begun to explore what forms of ownership of the news media best serve the interests of the public in insuring a free flow of information. No decision was made by the Council at its June 26-27 meeting on whether the exploration will lead to formal recommendations or conclusions.

Among the subjects to be examined are the advantages and disadvantages of chain ownership or other forms of economic concentration with respect to such issues as freedom of the press, autonomy of news and editorial judgment, adequacy of budget, and quality of coverage. The problems involved in preserving and protecting independent local newspapers and radio and television stations will also be explored.

Other phases of the Council's inquiry will relate to the accountability of the news media to their readers and listeners, including problems of access and editorial control. In addition, the Council

will look into the new problems created by the spread of conglomerates in the media field.

The Council heard Representative Paul Simon of Illinois, himself a former publisher of a dozen weekly newspapers in southern Illinois, who is co-sponsor with Representative Morris K. Udall of Arizona of two congressional bills dealing with the press. One is designed to amend the inheritance tax laws to encourage the survival of family-owned independent newspapers; the other proposes a three-year study of trends toward monopoly ownership in basic industries, including the media. The Council took no position on the specific legislation nor was it requested to do so. Mr. Simon said he believed the Council could render a valuable function by attempting to define the nature of the potential problems presented by economic concentration in the press.

Norman E. Isaacs, chairman of the Council, announced that at future meetings the group hoped to hear from executives of such newspaper chains as Knight-Ridder and Gannett, as well as from representatives of leading indepen-

THE NATIONAL NEWS COUNCIL
1 Lincoln Plaza, New York, N.Y. 10023

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**McKay, Pulitzer, Renick, and Salant voted to find this portion of the complaint warranted. Isaacs abstained.

dent newspapers, both large and small. Other viewpoints will be sought from a variety of outside sources.

Mystery letter: the paper printed it, but who wrote it?

Issue: Anonymous letters charged a school official with not doing her job properly. Was a newspaper irresponsible in using such anonymous correspondence as the basis for a story without further investigation of its own?

Complaint: Billie Howes, director of the Center for Instructional Development, part of the public school system in Amherst, Massachusetts, complained about the use by the *Daily Hampshire Gazette* of Northampton, Massachusetts, of unattributed material from anonymous letters in the preparation of a news story.

On February 11, 1978, the *Gazette* published a story headlined SECRET GROUP OFFERS ITS VIEWS ON WAY TO CUT SCHOOL BUDGET. It dealt with unsigned letters which were received by school committee members from a group calling itself COST (Committee of Sensible Taxpayers). The letters said that COST had investigators probing conditions in Amherst schools.

According to the *Gazette* article, one of the letters said that Mrs. Howes was "often away attending meetings or conducting workshops." Mrs. Howes complained about being the only school administrator mentioned by name in the article and called the *Gazette* irresponsible for using an anonymous statement about her without any investigation.

In a letter to the Council, Mr. Edward Shanahan, editor of the *Daily Hampshire Gazette*, admitted that the newspaper had "erred badly" in using Mrs. Howes's name. He said he had made that point clear to Mrs. Howes's husband who had called to complain about the article. The *Gazette* had also, he said, published a follow-up article in which the Amherst school superintendent criticized the anonymous letter writer and the *Gazette* for publishing portions of the letters.

Mrs. Howes was sent a copy of the Shanahan letter and responded by saying:

I can only state that my professional integrity was maligned and no matter how much Mr. Shanahan may privately lament, there has been no public statement made by his paper that gives any indication that they were in error or that the statements made were unjustified.

In response to this, Mr. Shanahan wrote a personal letter of apology to Mrs. Howes, repeating what he had said to the Council about the story being a lapse of editorial judgment. He added:

At this point in time, because the incident took place so long ago, we both agree little benefit would come from printing a correction now.

However, this letter I hope puts on record our recognition that we dealt with you unfairly by printing charges against you which we did not know to be true and against which you were unable to defend yourself.

Conclusion of the Council: Mr. Shanahan's response to the complaint was nothing if not direct and candid. It admitted error. The newspaper also printed a follow-up story quoting the school superintendent who criticized the paper for basing a story on anonymous letters. However, neither the letters to the Council and Mrs. Howes nor the follow-up story provided the complainant with a published admission that the paper had been wrong to include her name in connection with the anonymous charges.

Mrs. Howes agrees that an acknowledgment of error in the paper months after the incident would have served little more than to have revived the matter, to her possible detriment.

The *Gazette* and all other news organizations are reminded of the dangers inherent in the use of anonymous material. The *Gazette* erred in not publishing acknowledgment of error promptly.

Concurring: Brady, Ghiglione, Huston, Isaacs, McKay, Pulitzer, Renick, Roberts, Rusher, Salant, and Scott.

In Boston: the 'exposure' charges cover-up

Issue: Did *The Boston Globe* deliberately suppress damaging news stories about Boston University in order to avoid offending B.U. president John Silber and the B.U. board of trustees?

Complaint: Stephen Kohn, an editor of

the *bu exposure*, a B.U. student newspaper, complained about what he called, "the deliberate suppression by *The Boston Globe* of damaging statements by President John Silber of Boston University concerning the selling of admissions to B.U. medical and law schools." Mr. Kohn further complained that the *Globe* suppressed other news stories because of pressure "on the *Globe* by B.U. lawyers and Gerhard Bleiken [vice-chairman of the B.U. board of trustees]."

On March 14, 1978, the *exposure* carried a story by Mr. Kohn, which quoted Mr. Silber as saying, "There have been any number of people crawling all over me for admission to our medical school and our law school who have never been tapped systematically for a gift to this university. I am not ashamed to sell those indulgences."

The story further quoted honorary B.U. trustee Louis Rosenfield as saying in response to Mr. Silber's statement, "John, I am very happy you've cleared my conscience because when I got this boy into law school and I demanded \$50,000, I was greatly criticized."

The story was based on an October 13-14, 1973, transcript, unearthed by Mr. Kohn and the *exposure*, of a meeting of B.U.'s Select Committee on University Needs. On the morning the *exposure* carried the story, March 14, its editors called a press conference and provided media representatives with copies of the transcript.

Mr. Kohn said *The New York Times* and *The Christian Science Monitor*, among others, carried the story on the morning of March 15. The *Globe* ran the story in its March 15 evening and its March 16 morning editions. Mr. Kohn said the *Globe* did not run the stories "until it was forced to do so" by other papers which had published their accounts. Furthermore, Mr. Kohn charged that the *Globe* gutted the story by not using the quotes provided by the *exposure* and used by other newspapers.

"By any standard of fair journalism, these quotes were the heart of the story. They were obviously suppressed to soften the blow to Silber of being caught out on a scandalous statement," he said.

Mr. Kohn also charged the *Globe* with suppressing other stories on B.U. concerning legal and administrative entanglements between the university and the National Labor Review Board, the Department of Health, Education and Welfare, and the American Association of University Professors.

"It appears," he said in summary,

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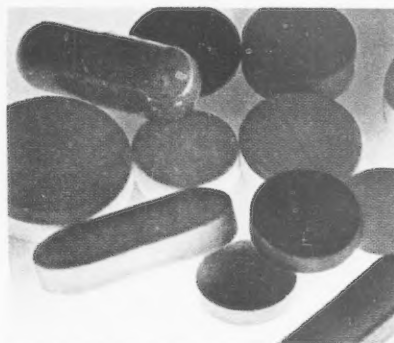


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"Silber stories are now 'policy' stories at the *Globe* and the paper is afraid of Silber, Bleiken and B.U.'s lawyers."

Responding to the complaint, *Globe* ombudsman Charles Whipple said, "... BU's John Silber would get quite a laugh out of the *bu exposure's* charge that the *Globe* has deliberately suppressed damaging news about him because of pressure brought on the *Globe*. For years Silber has complained, and still does, that the *Globe* is out to damage him."

The *Globe* possessed a copy of the *exposure's* press release, presumably at the same time other papers around the country had it, and an editor had assigned the story to a reporter, Mr. Whipple said. The reporter was unable to contact Mr. Rosenfield, a principal source quoted in the *exposure* story, and the *Globe* made

the decision to hold the piece until it had "both sides" of the story, he said. Therefore, the stories did not appear in the morning edition of the *Globe* on March 15.

Mr. Whipple conceded that neither of the quotes mentioned in the complaint was used in toto in the *Globe* stories. "I personally regret that neither of [the reporter's] stories had the fuller quotes on Silber and Rosenfield from *exposure's* alleged transcript, instead of paraphrasing them. But [the reporter's] P.M. March 15 story did contain Silber's 'selling indulgences' quote, as well as his comment that it was a 'humorous remark.' " he said.

Responding to all but one of the other alleged instances of suppression, Mr. Whipple explained the circumstances surrounding each story which led the *Globe's* editors to decide not to run the story in question.

He made, however, no immediate response to the complaint that the *Globe* had suppressed a story concerning an H.E.W. investigation into the alleged selling of admissions into B.U.'s medical school.

Conclusion of the Council: The *bu exposure* and *The Boston Globe* have exhibited a clear difference over what was proper editing judgment on stories about Boston University. That is what was at issue here, not suppression, in the Council's opinion.

The *Globe* said it withheld publication of the story about the "selling of indulgences" from its morning edition of March 15 because its reporter had been unable to reach either President Silber or trustee Rosenfield who were quoted in the *exposure's* story. The *Globe's* explanation notwithstanding, at least two other newspapers, *The New York Times* and *The Christian Science Monitor*, reached either or both of the principals before they published their stories on the morning of March 15.

The *Globe* did, however, print a story on the subject on the same afternoon and on the following morning, and the matter of what quotes it included in those stories was one for its own judgment. The Council is not persuaded that the *Globe* is guilty of suppression in the handling of this story.

The Council is deferring action on the portion of the complaint involving the story of the H.E.W. investigation into admissions policies in order to obtain a response on this aspect from the *Globe*. With regard to all other stories men-

tioned in the complaint, the Council holds that the *Globe's* decision not to publish them was a reasonable exercise of editing judgment.

Concurring: Brady, Ghiglione, Huston, Isaacs, Pulitzer, Renick, Rusher, and Salant.

Abstentions: McKay and Roberts.

Opinion by Robert McKay: The Council majority elected to defer action on one aspect of the complaint. Because all of the matters in the complaint are so interconnected, I would have preferred to have remanded the entire case to the staff for further investigation.

Concurring: Roberts.

The only paper in town: a question of access

Issue: Did a newspaper misuse its power to affect the flow of information to its readers by refusing to accept a paid political advertisement with which it disagreed?

Complaint: Victor Kamber, director of the Task Force on Labor Law Reform, a special agency established by the A.F.L.-C.I.O. to coordinate organized labor's drive for congressional passage of labor law reform, complained that *The Woonsocket Call*, in Rhode Island, had misused its "power to affect the flow of information in its community" by refusing to print an advertisement by the Greater Woonsocket Labor Council in support of labor law reform.

The *Call*, Woonsocket's only daily newspaper, had published several editorials critical of the labor law bill and printed advertisements by organizations hostile to the bill. The Woonsocket labor council attempted to purchase a quarter-page ad quoting editorials from seven other newspapers endorsing the legislation. According to the labor council, the *Call* gave no reasons for refusing to accept the ad.

A copy of the complaint was sent to the *Call*. No formal response was ever received by the Council, but in a telephone conversation Nancy Hudson, the newspaper's secretary, treasurer, per-

How to complain to The National News Council

The National News Council has two committees — the Grievance Committee, which takes complaints from any individual or organization concerning inaccuracy or unfairness in a news report, and the Freedom of the Press Committee, which takes complaints from news organizations concerning the restriction of access to information of the public interest, the preservation of freedom of communication, and the advancement of accurate and fair reporting.

The procedure to follow in filing a grievance is simple:

Write to the news organization and send a copy of your letter of complaint to the Council.

If you are not sure to whom to address your complaint at a news organization, send it directly to the Council. A copy will be forwarded to the appropriate news executive.

If your complaint concerns a printed news report, include a copy of the report, the name of the publication, and the date.

If your complaint concerns a radio or television news report, include the name of the station, the name of the network, and the date and the time of airing.

Be sure to include as specific information as possible as to why you are complaining.

Complaints to either committee should be addressed to:

The National News Council
One Lincoln Plaza
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sonnel manager, and travel editor, said it had a general rule that "we do not knowingly accept false and misleading advertising." She said she was not authorized to supply specific information on how the particular ad violated that rule and promised to have Drew Palmer, the paper's vice-president and general manager, furnish additional detail. It was not forthcoming.

A month after the News Council sent its letter to the *Call* and four days after the follow-up phone call to Ms. Hudson, the *Call*'s Saturday editor phoned the labor council and asked its president, Thomas Flood, for an expression of labor's view on the reform law that would run as a column in the space normally reserved for editorials. Mr. Flood suggested that Robert Casey, a teachers' union field representative, write the article.

Mr. Casey's column appeared a week later on the Opinion and Comment page in the customary editorial spot. The column was shorter than expected, and the paper filled out the space with a brief reiteration of its own position opposing the bill. On the preceding day the *Call* had devoted its editorial space to reprinting a *Washington Post* editorial on the bill, which Mr. Flood of the labor council characterized as "fairly objective." It endorsed the general thrust of the measure but called for changes in some of its provisions.

On the strength of these actions by the paper, the Woonsocket labor council asked the A.F.L.-C.I.O. task force to withdraw its complaint. Mr. Kamber sent formal notice of withdrawal in a letter thanking the National News Council for its help.

Nelson Poynter

By unanimous vote, the Council adopted the following resolution paying tribute to the late Nelson Poynter, noted Florida publisher:

Nelson Poynter's name will live in the twentieth century history of American journalism as a leader in the steady drive for professionalism and as a devoted, major contributor to journalism education. He was one of the earliest, strongest, and most consistent supporters of press accountability and responsibility. The National News Council goes on record as paying deep and sincere tribute to his many accomplishments and, most important, the questing spirit that motivated the advances he pioneered.

Policy on complaints about nonacceptance of 'editorial advertising'

Up to this point the National News Council has laid down no policy on questions relating to the fairness of decisions by news organizations on the acceptability of advertising. There are many compelling reasons for steering clear of complaints that concern normal commercial advertising. Genuine questions of press freedom are seldom involved even where the standards enforced by a news organization may impress the advertiser as arbitrary. However, the appropriateness of a similar blanket hands-off policy is less clear-cut where so-called "editorial advertisements" are at issue.

The question in complaints of this type arises out of the emphatic position taken by the Supreme Court in its 1964 decision in *The New York Times Co. v. Sullivan* that the contents of paid advertisements expressing opinion are entitled to the same constitutional guarantees of freedom of speech and freedom of the press as anything else in a newspaper. It is true that the case centered on liability in a libel case for statements made in an ad. However, the Court predicated all of its reasoning on the identity of treatment that advertising and news material are entitled to under the First Amendment.

Any other view, the Court contended, would discourage news organizations from carrying editorial advertisements. In that manner, according to the Court, an important outlet might be shut off for the promulgation of information and ideas by persons who did not themselves have direct access to publishing facilities. "The effect," said the Court, "would be to shackle the First Amendment in its attempt to secure the widest possible dissemination of information from diverse and antagonistic sources."

The Supreme Court has, however, specifically ruled, in the case of broadcasters and newspapers, that they cannot be forced to accept advertisements of an editorial character. The right of newspapers to reject ads they consider fraudulent, deceptive, ambiguous, or in bad taste has also had judicial approval.

Ads containing attacks of a personal nature or alleging criminal conduct are similarly subject to rejection without court redress.

Questions of access through opinion ads are likely to grow in number as a result of the Supreme Court's decision in *First National Bank of Boston v. Bellotti*, affirming the right of corporations to spend money to propagate their political views. Even without that green light from the Court for expanded institutional competition to influence public policy, the advertising columns and the spot-announcement sections of television and radio have been besieged by claims from scores of special interest and public interest groups, each eager for an airing of its views.

All these crosspulls underscore the impracticality of seeking to devise a hard-and-fast rule as to which cases involving opinion ads would legitimately warrant review by the National News Council. For all the reasons cited by the Supreme Court in the *Sullivan* case, it is apparent that the acceptance or rejection of editorial advertisements by the news media may give rise to complaints that are very properly within the Council's purview. Where cases of this nature are submitted, the Council will study the circumstances to determine whether the specific complaint raises a clear-cut issue bearing on freedom of speech and freedom of the press. To the extent that such issues are present, the Council will investigate the complaint in accordance with its established procedures.

Statement on cameras in the courtroom

In recognition that openness strengthens the American system of justice, the National News Council welcomes the experiments now under way in several states permitting televising of court trials. None of these experiments has yet proceeded to a point that allows definitive judgment on the total effect of broadcasts in necessitating more frequent sequestration of jurors or other procedural changes to guard against prejudicial result. But the experience to date has been encouraging, as was evidenced by the positive evaluation submitted to the Florida Supreme Court by

Circuit Judge Paul Baker on the televised murder trial of Ronney Zamora, by all odds the most publicized of the cases carried over the air waves thus far.

In general, the reports on both television and radio in the courtroom indicate that current technology makes it possible to conceal cameras and microphones in such fashion that they need cause no distraction to witnesses or other participants in a trial. Similarly, problems of needed lighting and noise suppression seem to present no insuperable impediment to the dignity of judicial affairs.

Where judges and the media cooperate in making arrangements for pooled electronic and photographic coverage, using equipment and techniques calculated to eliminate obtrusiveness, there appears good reason for believing that broadcasting and photography—like news reporting—can be carried on without jeopardizing courtroom decorum or diverting the attention of judges, jurors, defendants, witnesses, or lawyers.

Obviously, however, the much more important questions relating to cameras in court are those that have to do with their possible impact on the conduct and fairness of the trial, especially if it is a criminal trial. The present general policy of exclusion has its roots in the abuses perpetrated by the media in the Hauptmann kidnapping trial of 1935, the Billie Sol Estes fraud trial of 1965, and other trials that were turned into hippodromes.

Confidence that such excesses can now be successfully avoided is reflected in the recommendation of the American Bar Association's special committee on fair trial and free press that its canons be revised to give judges the right to author-

ize television, radio, and photo coverage wherever that can be done without disruption or distraction. However, strong opposition to the proposal exists within the A.B.A. and it is by no means certain that it will be endorsed by the House of Delegates at its New York City meeting in August.

Fortunately, fears within the judicial fraternity that electronic or photo coverage might imperil the right of defendants to a fair trial are far less pronounced when the focus is on proceedings before the appellate courts. In that area the concerns are more over upset of tradition than over possible impairment of justice.

The National News Council believes that a prompt start should be made on

**'A start should be
made on regular broadcast
of appellate
court proceedings'**

regular broadcast of appellate court proceedings. Clear gains for the total community without infringement of anyone's rights would result from a general policy, subject to appropriate safeguards for decorum, of access to both federal and state appellate courts. It would, for example, immeasurably enhance respect for the judicial system and also help to illuminate issues of utmost public importance to televise proceedings before the United States Supreme Court. The Bakke case is only the latest among many historic cases in which public understanding of the issues and implications would have been greatly strengthened had citizens been able to watch and listen in their own homes to the momentous debate before the highest tribunal in the land.

The comparative brevity of most appellate proceedings and the fact that the participants among both judges and lawyers are all professionals would reduce to a minimum the danger of courtroom theatrics or nervousness in presentation and of editing by broadcasters of a kind that would seriously distort the argument. The attendant benefits to the community in increased public awareness of the contrasting considerations that must be weighed by the justices in important cases would vastly outweigh any concerns about possible adverse impact on the appeals process. This is doubly so since such risks as may exist would almost surely disappear once the new arrangements become commonplace rather

than exceptional.

At the initial trial level the Council feels the A.B.A. special committee has put forward a reasonable standard in its recommended new canon. Speaking of television, radio, and photo coverage of trials, it says: "Subject to conditions and restrictions established by local rule or by agreement with representatives of the news media, such coverage should be permitted if the court in the exercise of sound discretion concludes that it can be conducted unobtrusively and without distracting the attention of trial participants."

The electronic press as well as news photographers will themselves have a determinative role in the ultimate assessment of the practicality of any new approach that emerges from the proposed canon.

Concurring: Ghiglion, Hauser, Isaacs, McKay, Pulitzer, Renick, Roberts, Salant, and Scott.

Dissenting in part: Brady, Huston, and Rusher.

Dissenting opinion by William Rusher: We disagree with the endorsement of cameras in the courtroom as far as trial proceedings (as distinguished from appellate proceedings) are concerned.

Appellate proceedings are confined to judges and to lawyers appearing before them. Trials necessarily involve witnesses and (often) juries, and lawyers as they present themselves to juries and to the broader public. All three will almost certainly be influenced, consciously or unconsciously, by the known presence of cameras, and above all of television cameras. The classic case of a rape victim who is unwilling to testify and be cross-examined on national television can no doubt be met—at least in most cases—by the promise that the judge will have discretion to bar camera coverage when he deems it appropriate to do so. But no judge could possibly insulate witnesses, juries, and lawyers from all the various inevitable, subtle, and powerful effects of TV coverage. That printed accounts are presently permissible is beside the point; a videotape has infinitely more impact, on both participants and viewers, than a written account.

The individual's constitutional right to a fair trial is here (potentially) juxtaposed to the public's alleged right, not merely to know, but to see, within hours, in lascivious detail and living color. The individual's right should prevail.

Concurring: Brady and Huston.

Council elects Hauser

Rita Hauser, a New York attorney, and former United States representative to the United Nations Commission on Human Rights, has been elected to membership on the National News Council.

Mrs. Hauser, who has been a Council adviser, replaces former Rep. Edith Green of Oregon, who resigned from the Council in April.

In addition to her U.N. post, Mrs. Hauser has served on a number of international panels and was a member of the United States delegation to the 24th U.N. General Assembly. From 1974 to 1976, she was a member of the Board of Higher Education of the City of New York. She is a partner in the New York law firm of Stroock, Stroock & Levan.

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REPORTS

Media Survival Kit, First Amendment Coalition, May 1978

What's a reporter to do when suddenly confronted with a closed courtroom or meeting-room door, when a judge orders him not to print a story or take a picture, when he's denied access to public records? If he's from Pennsylvania, he'll turn to this 250-page looseleaf manual which will give him clear, specific, step-by-step instructions for action, together with a jargon-free explanation of the developing Pennsylvania and federal case law, samples of briefs and forms to be filed, and summaries of the key judicial decisions. The guide, which will be updated periodically (publication preceded the *Stanford Daily* decision, for example), should provide an excellent model for groups interested in producing similar projects elsewhere. Copies are available from Sandy Oppenheimer, editor, *Bucks County Courier Times*, Levittown, Pa. 19058; \$25 complete, \$10 for procedures section only.

Conference on Images of Old Age in the American Media, The American Jewish Committee, 1978

Constipated in commercials, feeble-minded in sit-coms, victimized in newscasts, the older person encountered in the media these days is both a reflection and reinforcement of stereotypes, myths, and prejudices. The problem was explored in an all-day workshop at Columbia last fall when representatives of the older community, print and broadcast media, and Madison Avenue met to assess the media's performance, pick up some insights, and plan practical strategies for improvement. This report by the project's founding sponsor (others included the National Council of the Churches of Christ in the U.S.A., the United States Catholic Conference, and Columbia's Graduate School of Journalism, under a grant from The New York Times Company Foundation) provides a straightforward account of the deliberations. Among the complaints: distasteful euphemisms, disregard for consumer interests, inaccurate portrayal in matters of love and sex, insufficient public-ser-

vice announcements, underreporting on health and housing, superficial coverage of Social Security and Medicare. Last, and quite possibly the clincher in the case: failure to recognize the older citizen's political and economic clout.

"On Truth in Publishing," *The Nation*, June 3, 1978

Should America's free press be a true press as well? Such recent examples as Haley's *Roots*, Haldeman's *The Ends of Power*, and Rorvik's *In His Image* revive classic questions of the publisher's responsibility for the truth of his "non-fiction" books, and this spirited symposium offers eight pages of thoughtful, literate, and varied answers. In a challenging opening essay on "The Cost of Integrity," editor, publisher, critic, and author Richard Kluger asserts that it is the very commitment to legitimacy, accuracy, and truth that distinguishes the publisher from the print shop. Without such a commitment, he argues, liberty may be no better than tyranny: "A license to lie in print marks the system that permits it as corrupt at its core." Responding to Kluger are eleven writers, critics, editors, and publishers—sometimes defensive, often eloquent—on the dangers of pre-censorship, the limits of corroboration, the duties and function of the publisher, the risks of error, and the judgment of history. One commonsensical observation comes from W. W. Norton president Donald S. Lamm: "In the end a publisher's accountability might best be judged by the claims he makes for his wares. . . . The publisher who uses the expression 'the last word' should be prepared to eat it."

Toxic Substances Sourcebook, edited by Steven S. Ross, Environment Information Center, March 1978; \$76

Here is a valuable reference tool for journalists and others in search of information in the complex field of toxic substances—those often seemingly beneficial chemicals "that can poison the earth, damage the unborn, and cripple or kill the worker," and what is being done

about them. Its more than 500 oversized pages include a selection of 2,000 key literature abstracts, a directory of data banks and journals, a bibliography of 275 books and 140 films, a synopsis of NIOSH health recommendations, and a summary of the related legislation.

"Holy Moses," by Morton Mintz, *Nieman Reports*, Summer/Autumn 1977

Of the many stories that thread their fascinating way through the 1,246 pages of Robert Caro's epic work, *The Power Broker: Robert Moses and the Fall of New York* (Knopf, 1974), none is more instructive than that of the New York papers and how they covered the man who for four decades imperiously ruled the city's four public authorities. In this report, Mintz, who is Supreme Court reporter for *The Washington Post* and co-author of *Power, Inc.*, picks out the strands of that particular story and attempts to knit them together—no small task in itself, and a valuable professional service. The pattern is not pretty. Quoting heavily from the Caro original, even so truncated a version as this manages to convey the sense of absolute power with which Moses anointed himself, the corruption, racism, secrecy, and lies by which it was acquired and maintained, and the failure of the press in reporting to the public what it so clearly needed to know about its highways, waterways, tunnels, bridges, neighborhoods, beaches, and parks. With the notable exception of Dorothy Schiff's *New York Post*, the report points out, most of the city's press were enthusiastic boosters of Moses's self-styled image as an honest, incorruptible, apolitical, and utterly selfless public servant. *The New York Times*, Mintz infers from Caro's data, "fell down on its knees before him and stayed there year after year. The *Times* and other papers printed Moses' handouts as if they were gospel, fawned on him in thousands of editorials, brushed aside citizens with evidence and even proof of wrongdoing, and chilled and put down those few on their staffs who itched to investigate what he really was doing." Even when scandal broke about one of the Moses projects, the *Times* report, Mintz quotes Caro as noting, "did not mention Robert Moses once"; and when two reporters for the *New York World-Telegram & Sun* were finally turned loose on the story, the *Times* continued to print as unqualified news Rob-

ert Moses's denials. Significantly, it was good old newspaper rivalry that finally flushed the whole thing out—reporters at the *Post* and *World-Telegram* keeping it alive by feeding each other leads and helping and outdoing each other until the other papers could no longer ignore it. Wrote Caro: "The press of the city had been awakened at last! . . . not by its famous reporters but by young unknown staff writers scheming together to force publishers and editors to do what the young men felt was their duty." In many ways, Mintz believes, the Moses story is not unlike that of Vietnam, or of Nixon: lessons, all, in the urgency of the press's mission in holding power accountable. Had the press been doing its duty, he concludes, "New York City—and, by extension, many other American cities—would not have deteriorated as terribly as it has."

"The Journalism Establishment," by Jim Dawson and Bill Hogan with Elizabeth Fletcher, Paula Klein, and Neal Leavitt, *The Washingtonian*, June 1978

They respect Broder the most, Evans and Novak the least. They think Kraft pretentious, Reston overrated, but read them anyway; Will—and "Ear"—more widely yet. As for the White House beat, it's not what it used to be: the higher prestige may be shifting to State. Such are the gleanings of this comparative update on the attitudes of some one hundred members of the Washington press corps about their work and about each other (earlier surveys were made in 1964 and 1973), based on interviews conducted by five graduate students at American University working under the direction of former reporter Nick Kotz. Their tightly written report brims with estimates (presumably representing a majority of those polled; tallies are omitted) of the waxing and waning power and influence of particular journalists as well as of specific competencies, and there is some informative analysis of the changing relationships of the press corps itself to the respective governmental institutions it covers. It is in this latter aspect, and in pointing to various areas of capital coverage that need improvement, that the report is most useful. Its sweepstakes approach, however (one sidebar presents a set of all-star print and broadcasting teams), will do little to discourage the trend to star-struck journalism the authors would seem to deplore. *G.C.*

Ferris Professorship of Journalism, Princeton University

One-semester appointments to distinguished writers and journalists to reside in Princeton and teach one course: "Politics and the Press," fall term 1979, 1980; or "The Literature of Fact," spring term 1980. Faculty-level salaries, commensurate with experience. Address résumé and description of current projects before November 1, 1978 to: The Coordinator of Humanistic Studies, Council of the Humanities, 122 East Pyne, Princeton University, Princeton, N.J. 08540.

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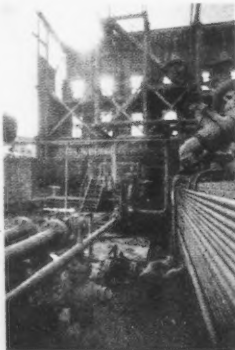
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**Gulf people:
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Gulf Oil Corporation.

The Lower case

Cabell Democrats Have Two Heads

The Herald Dispatch (Huntington, W. Va.) 7/6/78

(13)●AGRONSKY AND
COMPANY: Science fiction

The New York Times 7/29/78

State police charged Craft with firing several gunshots into a Plumcreek Township mobile home occupied by four persons and a pickup truck last November.

Leader-Times (Kittanning, Pa.) 4/7/78

John Paul Rogers, grand dragon of Florida's Ku Klux Klan, rides his hooded horse at the head of a procession of about 200 Klan members Saturday in Davie, Fla. Their march through crowd-lined streets capped a two-year fight to demonstrate in the bedroom

Houston Chronicle 7/9/78

Free Postage for Slaying Flyers

The Daily Tribune (Royal Oak, Mich.) 6/14/78

AFTER THE SHOTS — Police help hostage Nellie Gurrath get out from beneath the car, where she took refuge Wednesday after a police shootout with her captor.

Daily News (Springfield, Mass.) 6/22/78

Schlitz Agrees To Payoff Bar

The New York Times 7/10/78

Shut-Ins Can Grow Indoors With Lights

The Miami Herald 7/21/78

Miss Lillian hit in Colorado

Journal and Courier (Lafayette, Ind.) 6/11/78

Carter ticks off black help

San Francisco Examiner 4/7/78

Spermicide Maker Scored

Richmond Times-Dispatch 7/13/78

Court limits pickets to one gate at hospital

The Anaconda (Mont.) Leader 6/23/78

Do it in a microwave oven, save time

The Spokesman-Review (Spokane, Wash.) 6/8/78

(LA5)LOS ANGELES, JULY 23--A HELPING HAND--California Gov. Edmund Brown Jr. comforts Avital Shcharansky, wife of Anatoly Shcharansky, the Soviet dissident who was just jailed at a rally in Century City Sunday.

AP Laserphoto



Sculpture of Gerald Ford family

The Day (New London, Conn.) 6/5/78

Last March, the City Planning Commission issued a report calling for a major program to rehabilitate decaying bridges, repave worn-out streets and repair the city's aging infrastructure, the report then warned: "We are losing the battle to keep up the city's lifelines."

The New York Times 6/18/78

Weather

Sunny with a few cloudy periods today and Thursday, which will be followed by Friday. Details on Page 5.

The Province (Vancouver, B.C.) 6/21/78

NEW PORT RICHEY, Fla. — Bound, gagged and trussed up nude in a denim bag, with plugs in her ears and tape over her eyes, Cleveland teacher Linda L. Sharpe told yesterday how she was kidnaped to Florida, not knowing where she was going or why. The (Cleveland) Plain Dealer 6/14/78

New church panned

The Albuquerque News 7/22/78

Greeson pulled out the knives that Goode said he killed his wife with and stabbed himself. He laid them before the jurors along with pictures of the victim's body.

Greensboro (N.C.) Record 5/31/78

An important message for anyone concerned about tar.

The following comparisons are based on latest U.S. Government figures for tar and nicotine.

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Dora Menthol	12	0.8
Kent	12	0.9
Kent Golden Lights	8	0.7
Kent Golden Lights Menthol	9	0.7
Kool Mids	14	0.9
L&M	17	1.0
L&M Lights	7	0.6
Lark	17	1.1
Marlboro	17	1.0
Marlboro Lights	12	0.8
Marlboro Menthol	14	0.8
Ment	8	0.6
Ment Menthol	8	0.6
Multifilter	13	0.8
Newport	18	1.3
Parliament	9	0.6
Raleigh	16	1.0
Real	9	0.7
Real Menthol	8	0.6
Salem	16	1.1
Salem Lights	10	0.8
Vantage	11	0.8
Vantage Menthol	11	0.8
Viceroy	16	1.1
Viceroy Extra Mild	11	0.8
Winston	20	1.3
Winston Lights	13	0.9

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